

TREATIES AND OTHER INTERNATIONAL
AGREEMENTS CONTAINING PROVISIONS ON
COMMERCIAL FISHERIES, MARINE RESOURCES,
SPORT FISHERIES, AND WILDLIFE TO WHICH
THE UNITED STATES IS PARTY

PREPARED AT THE REQUEST OF
Hon. WARREN G. MAGNUSON, Chairman

FOR THE USE OF THE
COMMITTEE ON COMMERCE
UNITED STATES SENATE

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JANUARY 1965



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LETTER OF TRANSMITTAL

U.S. SENATE COMMITTEE ON COMMERCE,
January 1965.

To Members of the Committee on Commerce, U.S. Senate:

I am pleased to transmit herewith for your information and use a compilation of the texts of treaties and other international agreements containing provisions on commercial fisheries, marine resources, sport fisheries, and wildlife to which the United States is party.

The committee staff received great assistance from the Legislative Reference Service of the Library of Congress, from the Department of State and from the Fish and Wildlife Service of the Department of the Interior in the preparation of this publication. We appreciate their aid and their guidance.

Special note should be made of the contributions made by Virginia W. Brewer, Analyst in International Relations, and Marjorie Ann Browne, Foreign Affairs Division, both of the Library post.

This is the first compilation of the treaties of the United States in the realm of fisheries and wildlife; and it is now evident that to properly conserve and perpetuate our fisheries and wildlife resources, agreements and understandings with other nations are necessary.

Lack of coordination among those harvesting these natural resources could lead to the ruination and extermination of certain species. Valuable fishing grounds are now in danger of being fished to extinction and can only be saved through international agreements. Other living resources need and, to survive, must have this protection.

WARREN G. MAGNUSON,
Chairman, Committee on Commerce.



TABLE OF CONTENTS

	Page
Introduction.....	ix
I. Multilateral:	
A. Antarctica.....	1
(1) The Antarctic Treaty.....	1
(2) Measures relating to furtherance of the principles and objectives of the Antarctic Treaty, 1961.....	10
(3) Measures relating to the furtherance of the principles and objectives of the Antarctic treaty, 1962.....	18
B. Conservation.....	23
(1) Nature protection and wildlife preservation in the Western Hemisphere.....	23
C. Fisheries.....	31
(1) Indo-Pacific Fisheries Council.....	32
(2) Northwest Atlantic Fisheries, 1949.....	42
(3) Northwest Atlantic Fisheries, Protocol, 1956.....	53
(4) Northwest Atlantic Fisheries, Declaration, 1961.....	57
(5) Inter-American Tropical Tuna Commission.....	64
(6) High Seas Fisheries of the North Pacific Ocean, 1952.....	75
(7) High Seas Fisheries of the North Pacific Ocean Amendment, 1962.....	87
D. Maritime matters.....	93
(1) International Convention for the Prevention of Pol- lution of the Sea by Oil, 1954.....	94
(2) Convention on the High Seas (Law of the Sea Con- vention [No. II]), April 29, 1958.....	110
(3) Convention on the Continental Shelf (Law of the Sea Convention [No. IV]), April 29, 1958.....	120
(4) Convention on Territorial Sea and Contiguous Zone (Law of the Sea Convention [No. I]) April 20, 1958.....	127
E. Seals.....	149
(1) Conservation of North Pacific fur seals.....	150
(2) Protocol amending, 1963.....	159
F. Whaling.....	165
(1) Regulation of whaling, 1931.....	166
(2) International Whaling Convention with schedule of whaling regulations, 1946.....	175
(3) Revised schedule to the International Whaling Con- vention.....	187
(4) Protocol to the International Convention for the Regu- lation of Whaling signed under date of December 2, 1946, 1956.....	195
II. Bilateral:	
A. Canada (<i>see also</i> Multilaterals).....	201
(a) Fisheries:	
(1) Fisheries, - boundaries [United Kingdom], 1818.....	203
(2) North Atlantic coast fisheries arbitration pro- cedure [United Kingdom], 1912.....	207
(3) Sockeye salmon fishery of the Fraser River system, 1930.....	214
(4) To facilitate ascent of salmon, 1944.....	222
(5) Protocol amending, 1956.....	233
(6) Extension to halibut fishing vessels of port privileges on the Pacific coast, 1950.....	239
(7) Preservation of halibut fishery of the North- ern Pacific Ocean and Bering Sea, 1953.....	243
(8) Great Lakes fisheries, 1955.....	250

II. Bilateral—Continued

A. Canada (<i>see also</i> Multilaterals)—Continued	
(b) Migratory birds:	Page
(1) Convention for the protection of migratory birds, 1916.....	258
(c) Shellfish:	
(1) Sanitary control of the shellfish industry, 1948.....	263
B. Costa Rica (<i>see under</i> Multilaterals).	
C. Cuba.....	269
(a) Fisheries:	
(1) For the preservation of shrimp, 1958 (not currently operative).....	270
D. Japan (<i>see also</i> Multilaterals).....	275
(a) Shellfish:	
(1) Cooperative efforts toward sanitary control of shellfish industry, 1962.....	276
(2) King crab, 1964.....	280
E. Mexico.....	285
(a) Fisheries:	
(1) Establishment of an international commission for the scientific investigation of tuna, 1949.....	286
(b) Migratory birds:	
(1) Convention for the protection of Migratory Birds and Game Mammals, 1936.....	293
F. Union of Soviet Socialist Republics (<i>see also</i> Multilaterals).....	297
(a) Fisheries:	
(1) Navigation, fishing, and trading on the Pacific Ocean and along the northwest coast of America, 1924 (not currently operative).....	298
(2) Fisheries Operations; Northwestern Pacific Ocean, Agreement. Signed at Washington, December 14, 1964. Entered into force December 14, 1964.....	302
(b) Alaska:	
Convention ceding Alaska. Concluded March 30, 1967.....	306
G. United Kingdom (<i>see Canada and see also</i> Multilaterals).....	309

ANNEX

Treaties in process, not yet in force for the United States.....	311
A. Antarctic fauna and flora:	
Recommendation on agreed measures for conservation of Antarctic fauna and flora. Adopted at Brussels June 2, 1964, at the Third Antarctic Treaty Consultative Meeting.	
B. Fisheries:	
(1) Protocol to the International Convention for the Northwest Atlantic Fisheries of February 8, 1949 (TIAS 2089), relating to harp and hood seals. Signed at Washington, July 15, 1963.....	321
C. Maritime matters:	
(1) Amendments of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954; London, 1962.....	327
(2) Convention on Fishing and Conservation of the Living Resources of the High Seas (Law of the Sea Convention [No. III] formulated at the United Nations Conference). Signed at Geneva, April 29, 1958.....	380
(3) Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes [arising out of the interpretation or application of any article of any Convention on the Law of the Sea of April 29, 1958]. Signed at Geneva, April 29, 1958.....	387

SUPPLEMENT

	Page
Law of the Sea Conventions. U.S. Senate Committee on Foreign Relations, Executive Report No. 5, [to accompany Executive J to N, inclusive 86th Congress, 1st session] April 27, 1960.....	395



INTRODUCTION

The following compilation consists of the texts of treaties and other international agreements containing provisions on commercial fisheries, marine resources, sport fisheries, and wildlife to which the United States is party. It is arranged in three groups: multilateral treaties, bilateral treaties and agreements, and an annex containing treaties not yet in force for the United States.

To determine the countries now party to the multilateral treaties, one must turn to the introductory paragraph preceding each treaty. The parties to amendments, schedules, and so forth will be those listed for the principal treaty. This information, furnished by the Department of State, lists below each title the countries party to that treaty as of October 1, 1964.

There are six group headings for the multilateral treaties; namely:

Antarctica	Maritime matters
Conservation	Seals
Fisheries	Whaling

The bilateral treaties follow, arranged alphabetically by country. Those with Cuba are, from a practical standpoint, inoperative at the present time.

Treaties not yet in force for the United States appear in the Annex, with indication of the stages of progress.

REFERENCES

Stat-----	United States Statutes at Large.
UST-----	United States Treaties and Other International Agreements (volumes published on a calendar-year basis beginning January 1, 1950.)
TS-----	Treaty Series, issued singly in pamphlets by the Department of State (until replaced in 1945 by the TIAS).
EAS-----	Executive Agreement Series, issued singly in pamphlets by the Department of State (until replaced in 1945 by the TIAS).
TIAS-----	Treaties and Other International Acts Series, issued singly in pamphlets by the Department of State.
I Malloy, II Malloy-----	Treaties, Conventions, International Acts, Protocols, and Agreements Between the United States of America and Other Powers, 1776-1909, compiled under the direction of the Committee on Foreign Relations of the U.S. Senate by William M. Malloy and published by the Government Printing Office.
III Redmond-----	Volume III of above compilation, 1910-23, compiled by C. F. Redmond.
IV Trenwith-----	Volume IV of above compilation, 1923-37, compiled by Edward J. Trenwith.
Miller-----	Treaties and Other International Acts of the United States of America, edited by Hunter Miller.
Foreign Relations-----	Foreign Relations of the United States.
F.R.-----	Federal Register.
LNTS-----	League of Nations Treaty Series.
UNTS-----	United Nations Treaty Series.



TREATIES AND OTHER INTERNATIONAL AGREEMENTS CONTAINING PROVISIONS ON COMMERCIAL FISHERIES, MARINE RESOURCES, SPORT FISHERIES AND WILDLIFE TO WHICH THE UNITED STATES IS PARTY

(Compiled by VIRGINIA W. BREWER and MARJORIE ANN BROWNE, Legislative Reference Service, Library of Congress)

I. *Multilateral*

A. ANTARCTICA

- (1) The Antarctic Treaty.
Signed at Washington December 1, 1959; entered into force for the United States June 23, 1961.
12 UST 794; TIAS 4780; 402 UNTS 71.

States which are parties:

Argentina	Norway
Australia	Poland
Belgium	South Africa
Chile	Union of Soviet Socialist Republics
Czechoslovakia	United Kingdom
France	United States
Japan	
New Zealand	

- (2) Measures relating to the furtherance of the principles and objectives of the Antarctic Treaty.
Adopted at Canberra July 24, 1961; entered into force for the United States April 30, 1962.
13 UST 1349; TIAS 5094.
- (3) Measures relating to the furtherance of the principles and objectives of the Antarctic Treaty.
Adopted at Buenos Aires July 28, 1962; entered into force for the United States January 11, 1963.
14 UST 99; TIAS 5274.



ANTARCTIC TREATY BETWEEN THE UNITED STATES OF AMERICA AND OTHER GOVERNMENTS

(Multilateral)

Signed at Washington December 1, 1959;

*Ratification advised by the Senate of the United States of America
August 10, 1960;*

*Ratified by the President of the United States of America August 18,
1960;*

*Ratification of the United States of America deposited at Washington
August 18, 1960;*

*Proclaimed by the President of the United States of America
June 23, 1961;*

Entered into force June 23, 1961.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Antarctic Treaty was signed at Washington on December 1, 1959 by the respective plenipotentiaries of the United States of America, Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, and the United Kingdom of Great Britain and Northern Ireland;

WHEREAS the text of the said Treaty, in the English, * * * languages, is word for word as follows:

The Antarctic Treaty

The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Recognizing that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord;

Acknowledging the substantial contributions to scientific knowledge resulting from international cooperation in scientific investigation in Antarctica;

Convinced that the establishment of a firm foundation for the continuation and development of such cooperation on the basis of

freedom of scientific investigation in Antarctica as applied during the International Geophysical Year accords with the interests of science and the progress of all mankind;

Convinced also that a treaty ensuring the use of Antarctica for peaceful purposes only and the continuance of international harmony in Antarctica will further the purposes and principles embodied in the Charter of the United Nations;¹

Have agreed as follows:

ARTICLE I

1. Antarctica shall be used for peaceful purposes only. There shall be prohibited, *inter alia*, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons.

2. The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.

ARTICLE II

Freedom of scientific investigation in Antarctica and cooperation toward that end, as applied during the International Geophysical Year, shall continue, subject to the provisions of the present Treaty.

ARTICLE III

1. In order to promote international cooperation in scientific investigation in Antarctica, as provided for in Article II of the present Treaty, the Contracting Parties agree that, to the greatest extent feasible and practicable:

(a) information regarding plans for scientific programs in Antarctica shall be exchanged to permit maximum economy and efficiency of operations;

(b) scientific personnel shall be exchanged in Antarctica between expeditions and stations;

(c) scientific observations and results from Antarctica shall be exchanged and made freely available.

2. In implementing this Article, every encouragement shall be given to the establishment of cooperative working relations with those Specialized Agencies of the United Nations and other international organizations having a scientific or technical interest in Antarctica.

ARTICLE IV

1. Nothing contained in the present Treaty shall be interpreted as:

(a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;

(b) a renunciation of diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which

¹ TS 993; 59 Stat. 1031.

it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;

(c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.

2. No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.

ARTICLE V

1. Any nuclear explosions in Antarctica and the disposal there of radioactive waste material shall be prohibited.

2. In the event of the conclusion of international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material, to which all of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX are parties, the rules established under such agreements shall apply in Antarctica.

ARTICLE VI

The provisions of the present Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area.

ARTICLE VII

1. In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting Party whose representatives are entitled to participate in the meetings referred to in Article IX of the Treaty shall have the right to designate observers to carry out any inspection provided for by the present Article. Observers shall be nationals of the Contracting Parties which designate them. The names of observers shall be communicated to every other Contracting Party having the right to designate observers, and like notice shall be given of the termination of their appointment.

2. Each observer designated in accordance with the provisions of paragraph 1 of this Article shall have complete freedom of access of any time to any or all areas of Antarctica.

3. All areas of Antarctica, including all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica, shall be open at all times to inspection by any observers designated in accordance with paragraph 1 of this Article.

4. Aerial observation may be carried out at any time over any or all areas of Antarctica by any of the Contracting Parties having the right to designate observers.

5. Each Contracting Party shall, at the time when the present Treaty enters into force for it, inform the other Contracting Parties, and thereafter shall give them notice in advance, of

(a) all expeditions to and within Antarctica, on the part of its ships or nationals, and all expeditions to Antarctica organized in or proceeding from its territory;

(b) all stations in Antarctica occupied by its nationals; and

(c) any military personnel or equipment intended to be introduced by it into Antarctica subject to the conditions prescribed in paragraph 2 of Article I of the present Treaty.

ARTICLE VIII

1. In order to facilitate the exercise of their functions under the present Treaty, and without prejudice to the respective positions of the Contracting Parties relating to jurisdiction over all other persons in Antarctica, observers designated under paragraph 1 of Article VII and scientific personnel exchanged under subparagraph 1(b) of Article III of the Treaty, and members of the staffs accompanying any such persons, shall be subject only to the jurisdiction of the Contracting Party of which they are nationals in respect of all acts or omissions occurring while they are in Antarctica for the purpose of exercising their functions.

2. Without prejudice to the provisions of paragraph 1 of this Article, and pending the adoption of measures in pursuance of subparagraph 1(e) of Article IX, the Contracting Parties concerned in any case of dispute with regard to the exercise of jurisdiction in Antarctica shall immediately consult together with a view to reaching a mutually acceptable solution.

ARTICLE IX

1. Representatives of the Contracting Parties named in the preamble to the present Treaty shall meet at the City of Canberra within two months after the date of entry into force of the Treaty, and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty, including measures regarding:

(a) use of Antarctica for peaceful purposes only;

(b) facilitation of scientific research in Antarctica;

(c) facilitation of international scientific cooperation in Antarctica;

(d) facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty;

(e) questions relating to the exercise of jurisdiction in Antarctica;

(f) preservation and conservation of living resources in Antarctica.

2. Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to

appoint representatives to participate in the meetings referred to in paragraph 1 of the present Article, during such time as that Contracting Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the dispatch of a scientific expedition.

3. Reports from the observers referred to in Article VII of the present Treaty shall be transmitted to the representatives of the Contracting Parties participating in the meetings referred to in paragraph 1 of the present Article.

4. The measures referred to in paragraph 1 of this Article shall become effective when approved by all the Contracting Parties whose representatives were entitled to participate in the meetings held to consider those measures.

5. Any or all of the rights established in the present Treaty may be exercised as from the date of entry into force of the Treaty whether or not any measures facilitating the exercise of such rights have been proposed, considered or approved as provided in this Article.

ARTICLE X

Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present Treaty.

ARTICLE XI

1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent, in each case, of all parties to the dispute, be referred to the International Court of Justice for settlement; but failure to reach agreement on reference to the International Court shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 of this Article.

ARTICLE XII

1. (a) The present Treaty may be modified or amended at any time by unanimous agreement of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX. Any such modification or amendment shall enter into force when the depositary Government has received notice from all such Contracting Parties that they have ratified it.

(b) Such modification or amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the depositary Government. Any such Contracting Party from which no notice of ratification is received

within a period of two years from the date of entry into force of the modification or amendment in accordance with the provisions of subparagraph 1(a) of this Article shall be deemed to have withdrawn from the present Treaty on the date of the expiration of such period.

2. (a) If after the expiration of thirty years from the date of entry into force of the present Treaty, any of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX so requests by a communication addressed to the depositary Government, a Conference of all the Contracting Parties shall be held as soon as practicable to review the operation of the Treaty.

(b) Any modification or amendment to the present Treaty which is approved at such a Conference by a majority of the Contracting Parties there represented, including a majority of those whose representatives are entitled to participate in the meetings provided for under Article IX, shall be communicated by the depositary Government to all the Contracting Parties immediately after the termination of the Conference and shall enter into force in accordance with the provisions of paragraph 1 of the present Article.

(c) If any such modification or amendment has not entered into force in accordance with the provisions of subparagraph 1(a) of this Article within a period of two years after the date of its communication to all the Contracting Parties, any Contracting Party may at any time after the expiration of that period give notice to the depositary Government of its withdrawal from the present Treaty; and such withdrawal shall take effect two years after the receipt of the notice by the depositary Government.

ARTICLE XIII

1. The present Treaty shall be subject to ratification by the signatory States. It shall be open for accession by any State which is a Member of the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty.

2. Ratification of or accession to the present Treaty shall be effected by each State in accordance with its constitutional processes.

3. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, hereby designated as the depositary Government.

4. The depositary Government shall inform all signatory and acceding States of the date of each deposit of an instrument of ratification or accession, and the date of entry into force of the Treaty and of any modification or amendment thereto.

5. Upon the deposit of instruments of ratification by all the signatory States, the present Treaty shall enter into force for those States and for States which have deposited instruments of accession. Thereafter the Treaty shall enter into force for any acceding State upon the deposit of its instrument of accession.

6. The present Treaty shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XIV

The present Treaty, done in the English, French, Russian, and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly authorized, have signed the present Treaty.

DONE at Washington this first day of December, one thousand nine hundred and fifty-nine.

WHEREAS the Senate of the United States of America by their resolution of August 10, 1960, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Treaty;

WHEREAS the said Treaty was duly ratified by the President of the United States of America on August 18, 1960, in pursuance of the aforesaid advice and consent of the Senate;

WHEREAS it is provided in Article XIII of the said Treaty that upon the deposit of instruments of ratification by all the signatory States, the said Treaty shall enter into force for those States and for States which have deposited instruments of accession;

WHEREAS instruments of ratification were deposited with the Government of the United States of America on May 31, 1960 by the United Kingdom of Great Britain and Northern Ireland; on June 21, 1960 by the Union of South Africa; on July 26, 1960 by Belgium; on August 4, 1960 by Japan; on August 18, 1960 by the United States of America; on August 24, 1960 by Norway; On September 16, 1960 by the French Republic; on November 1, 1960 by New Zealand; on November 2, 1960 by the Union of Soviet Socialist Republics; and on June 23, 1961 by Argentina, Australia, and Chile; and an instrument of accession was deposited with the Government of the United States of America on June 8, 1961 by the Polish People's Republic;

AND WHEREAS, pursuant to the aforesaid provision of Article XIII of the said Treaty, the Treaty entered into force on June 23, 1961;

NOW, THEREFORE, be it known that I, John F. Kennedy, President of the United States of America, do hereby proclaim and make public the Antarctic Treaty to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after June 23, 1961 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have caused the Seal of the United States of America to be hereunto affixed.

DONE at the city of Washington this twenty-third day of June in the year of our Lord one thousand nine hundred sixty-one
[SEAL] and of the Independence of the United States of America the one hundred eighty-fifth.

JOHN F. KENNEDY.

By the President:

DEAN RUSK

Secretary of State

TIAS 4780

ANTARCTICA

MEASURES ON FURTHERANCE OF PRINCIPLES AND OBJECTIVES OF THE ANTARCTIC TREATY

(Multilateral)

*Recommendations adopted at the First Consultative Meeting under
Article IX of the Antarctica Treaty, at Canberra, July 24, 1961;
Effective April 30, 1962.*

[RECOMMENDATIONS¹] OF THE FIRST ANTARCTIC TREATY CONSULTATIVE MEETING]

The Meeting agreed unanimously to the adoption of the following recommendations; [²]

I-I

The Representatives recommend to their Governments that they should facilitate the continuation of the exchange of information regarding plans for scientific programmes as now carried on through the Special Committee on Antarctic Research (SCAR) and through other member unions and committees of the International Council of Scientific Unions (ICSU) and by such other means as may ensure the availability of this information.

I-II

The Representatives recommend to their Governments that they should promote the continuation of the exchange, on a basis of bilateral arrangements, of scientific personnel amongst their expeditions, and should make available such of their facilities as may be helpful to this purpose.

I-III

The Representatives recommend to their Governments that they should promote the exchange and making available of observations and results from Antarctica through the recognized international data gathering centres and by such other means as may be appropriate to ensure the exchange and free availability of this information.

¹ The English language text printed herein is a verbatim extract of the Recommendations from the Report of the First Antarctic Treaty Consultative Meeting, as certified by the Chairman of that Meeting at Canberra.

The original documents relating to the said Meeting are held in the archives of the Australian Department of External Affairs, Canberra.

² Adopted July 24, 1961.

I-IV

The Representatives agree, without prejudice to the rights of Governments to make such arrangements as they may deem necessary to further the objectives of scientific co-operation set forth in the Treaty:³

(1) that the free exchange of information and views among scientists participating in SCAR, and the recommendations concerning scientific programmes and co-operation formulated by this body constitute a most valuable contribution to international scientific co-operation in Antarctica;

(2) that since these activities of SCAR constitute the kind of activity contemplated in Article III of the Treaty, SCAR should be encouraged to continue this advisory work which has so effectively facilitated international co-operation in scientific investigation.

I-V

The Representatives recommend to their Governments that they should individually encourage the work of international organisations having a scientific or technical interest in Antarctica, including the specialised agencies of the United Nations, and should promote on a bilateral basis the establishment and development of co-operative working relations with these organisations.

In this connection, the Representatives take note of the letter to the Minister of State for External Affairs of Australia from the Secretary-General of the World Meteorological Organisation dated 28 June 1961,⁴ circulated at the Meeting. They welcome the offer made by the World Meteorological Organisation of co-operation in questions of meteorology and of the collection and relaying of meteorological data in the Antarctic, and recommend to their Governments that they should establish co-operation in these matters through their Representatives in that Organisation.

I-VI

The Representatives recommend to their Governments that information furnished in accordance with Article VII paragraph 5 should be exchanged between Governments through diplomatic channels as early in each year as possible, and in any case before the end of November each year, and should include—

(1) the names, types, numbers, descriptions and armaments of ships, aircraft and other vehicles, introduced, or to be introduced into Antarctica, and information on military equipment, if any, and its location in Antarctica;

(2) dates of expeditions leaving for, and arriving in, Antarctica, duration of stay, itinerary to and from Antarctica and routes followed within Antarctica;

(3) the names, location and date of opening of the Party's bases and subsidiary stations established or planned to be established

³ TIAS 4780; 12 UST 794.

⁴ Not printed.

in Antarctica, listed according to whether they are for summer and/or winter operations;

(4) the names of the officers in charge of each of these bases, subsidiary stations, ships and aircraft; the number and occupations and specialisation of personnel (including any designated by other governments), who are or will be stationed at each of these bases and subsidiary stations and on board these ships and aircraft, including the number of personnel who are members of the military services together with the rank of any officers and the names and professional affiliation of personnel engaged in scientific activities;

(5) the number and types of armaments possessed by personnel;

(6) the programme of work, including scientific investigation, being done and planned at each of these bases and subsidiary stations and on board those ships and aircraft; and also the areas or areas of operation to be covered by such programme;

(7) principal scientific equipment;

(8) transportation facilities and communication equipment for use within Antarctica;

(9) facilities for rendering assistance;

(10) notice of any expeditions to Antarctica not organised by the Party but organised, in, or proceeding from, the Party's territory.

I-VII

The Representatives recommend to their Governments that they should undertake to exchange information on logistic problems. This might include information on the design and construction of buildings and airstrips, the provision of power supplies, the performance of aircraft, ships, tractors and other vehicles, techniques of supply of coastal and inland stations, the transport and handling of cargo in Antarctic conditions, food and cold weather clothing. They further recommend that consideration should be given to the calling of a meeting or symposium of experts to consider the question of the exchange of information on experience gained in matters of the organisation of expeditions, logistic support and transport, and that proposals for the calling of such a meeting or symposium should be discussed at or before the next Treaty Consultative Meeting.

I-VIII

The Representatives recommend to their Governments that:

(i) they recognize the urgent need for measures to conserve the living resources of the Treaty area and to protect them from uncontrolled destruction or interference by man;

(ii) they encourage the interchange of information and international co-operation with a view to promoting scientific studies of Antarctic life as the essential basis for long-term conservation measures;

(iii) they bring to the attention of all persons entering the area the need for the protection of living resources;

(iv) they consult on the form in which it would be most suitable to establish in due course internationally agreed measures for the preservation and conservation of the living resources of the Antarctic, taking into account the discussion at and documents submitted to the First Consultative Meeting;

(v) as an interim measure, and to the extent possible under national legislation and binding international conventions, they issue general rules of conduct on the lines of the attached statement extracted from the recommendations of SCAR as contained in the report of the Meeting held at Cambridge in August 1960;

(vi) they exchange information on any major steps taken in accordance with this recommendation with respect to the next Antarctic season;

(vii) this question be included in the Agenda of the next Consultative Meeting.

GENERAL RULES OF CONDUCT FOR PRESERVATION AND CONSERVATION OF LIVING RESOURCES IN ANTARCTICA

1. Animals and plants indigenous to Antarctica shall not be unnecessarily disturbed and shall not be destroyed or injured. Exceptions shall be permitted on a strictly controlled scale which will not deplete the local stock and only for the following purposes:

- (a) collections and studies for scientific purposes;
- (b) food (e.g. meat, eggs) for men and dogs;
- (c) living specimens for zoological gardens;
- (d) taking a strictly limited number of specimens, especially natural casualties, for private purposes.

Exceptions (c) and (d) shall not apply for the time being to fur seals.

2. Alien forms of flora and fauna should not be deliberately introduced except when rigidly controlled having regard to their chances of survival, capacity of reproduction and utilization by man.

3. The following activities should be regulated with a view to preventing serious harm to wildlife:

- (a) allowing dogs to run free,
- (b) flying helicopters or other aircraft in a manner which would unnecessarily disturb bird and seal colonies, or landing near (e.g. within 200 yards) such colonies,
- (c) driving vehicles unnecessarily close to breeding colonies of birds and seals,
- (d) use of explosive or discharge of firearms close to breeding colonies of birds and seals,
- (e) disturbance of bird and seal colonies by persistent attention from people on foot,
- (f) the discharge of oil from ships in a manner harmful to animals and plants indigenous to Antarctica.

I-IX⁵

With due regard to Article IV of the Treaty, the Representatives recommend that—

- (1) Governments interested in any tombs, buildings or objects of historic interest should consult together whenever appropriate on their restoration or preservation;
- (2) appropriate reports on the conditions of such tombs, buildings or objects of historic interest as well as any restoration which might have been effected should be exchanged among Governments;
- (3) Governments adopt all adequate measures to protect such tombs, buildings or objects of historic interest, from damage and destruction.

I-X

The Representatives reaffirm the traditional Antarctic principle that expeditions render all assistance feasible in the event of an emergency request for help and recommend to their Governments that consideration should be given to arranging consultations among them, and to the matter being discussed at the appropriate time at any meeting of experts qualified to discuss it.

I-XI

The Representatives recommend to their Governments:

- (1) that they convene as soon as practicable a meeting of specialists in Antarctic radio communications;
- (2) that this meeting of specialists should discuss the telecommunications facilities needed for scientific, technical and other purposes in the Treaty area, and their use;
- (3) that the meeting should take into consideration—
 - (a) the requirements of governments;
 - (b) the viewpoint of the United Nations Specialised Agencies and other International organisations having a scientific or technical interest in Antarctic communications;
 - (c) the relevant recommendations of the communications working group of SCAR;
 - (d) the experience of the various Antarctic expeditions;
- (4) that the meeting should examine and make recommendations regarding such matters as—
 - (i) the routing required to meet demands of users most effectively;
 - (ii) the modes of transmission;
 - (iii) the power requirements for effective reception;
 - (iv) the rationalisation of schedules and the evaluation of priorities for traffic in normal and post blackout conditions;
 - (v) new developments in the field of communications relevant to Antarctic requirements;
 - (vi) emergency radio procedures;
 - (vii) such other matters of an engineering or traffic nature as may be appropriate;

⁵ See *post*, p. 9.

5. that the Governments should consult regarding the date, place and definitive agenda of the meeting, and as to which specialised agencies and other international organisations referred to in paragraph 3(b) should be informed of the meeting and be invited to send observers.

I-XII^a

The Representatives recommend to their Governments that they should:

1. promote co-operation among expeditions in the Treaty area in the collection and distribution of mail for expedition members;
2. advise each other of opportunities for forwarding mail to and from stations in the Treaty area;
3. consult together with a view to reaching agreement on further practical measures for improving postal communications in the Treaty area.

I-XIII^a

Taking into consideration the provisions established in Article V of the Antarctic Treaty, the Representatives recommend to their Governments that they exchange by all means deemed advisable information on the application of nuclear equipment and techniques in the Treaty area.

I-XIV^a

Pending any further recommendation which may be adopted at a future Meeting concerning the procedures to be followed in connection with the Consultative Meetings provided for in Article IX of the Treaty, the Representatives recommend to their Governments that as an interim measure:

(1) the Government of the host country of the present Meeting shall send to each of the participating Governments a certified copy of the Final Report containing the authentic texts of all documents agreed and adopted by the Meeting. It shall also send to the other participating Governments any other documents relative to the Meeting and comply with any additional request, or answer any questions on the subject, and supply any information which the participating Governments may subsequently request regarding the First Consultative Meeting or recommendations of that Meeting;

(2) the Government of the country where the next Meeting is to be held shall consult the other Governments entitled to participate in the Consultative Meetings in regard to the provisional agenda and the choice of the opening date of the Meeting;

(3) the Governments shall consult through diplomatic channels as they deem necessary on matters of common interest relating to the Treaty area including matters which may be proposed for consideration at future Consultative Meetings;

(4) notifications of approval by Governments of recommendations adopted at Consultative Meetings shall be communicated through diplomatic channels to all other such Governments entitled to participate in the Consultative Meetings;

^a See *post*, p. 9.

(5) the depositary Government designated in the Antarctic Treaty shall inform all signatory and acceding states when any recommendation has been approved in accordance with Article XI (4) of the Treaty by all the Contracting Parties whose representatives were entitled to participate in the Meeting held to consider that recommendation.⁷

I-XV

The Representatives recommend to their Governments that they accept the offer by the Delegation of Argentina of the city of Buenos Aires as the seat of the Second Consultative Meeting under Article IX of the Antarctic Treaty, to be held on a date mutually decided upon by the participating Governments.

I-XVI

The Representatives recommend to their Governments that reports, studies and all other documentation, including any specific proposal or draft recommendation, which any participating Government may desire to place before the next Consultative Meeting, shall be forwarded through diplomatic channels so as to reach all Governments entitled to participate in that Consultative Meeting, at least one month prior to the Meeting, except in circumstances of urgency.

[STATEMENTS]

In respect of Recommendation I-IX, the French Delegation stated that the French Government would wish to give the word "object" a fairly broad significance.

In respect of Recommendation I-XII, the United Kingdom Delegation stated that it considered that Governments should, in consulting together with a view to reaching agreement on further practical measures for improving postal communications in the Treaty area, give consideration to the following measures:

(a) accept for transmission to the Antarctic by all available means of transport correspondence or mails, other than philatelic mail, addressed to Antarctic stations occupied by other participating countries;

(b) invite the International Bureau of the Universal Postal Union to advise other postal administrations to send correspondence addressed to an Antarctic station to the postal administration of the country occupying the station for onward transmission;

(c) recognize as duly prepaid correspondence originating in an Antarctic station occupied by another participating country and prepaid in postage stamps issued by that country;

(d) accept such prepaid correspondence for transmission from the Antarctic by all available means of transport to the most convenient office of exchange in a participating country;

⁷ Apr. 30, 1962. The Recommendations became effective Apr. 30, 1962, in accordance with article IX(4) of the Antarctic Treaty, having been approved by the following Contracting Parties: Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

(e) reforward the correspondence from the office of exchange to its destination in accordance with the provisions of the Universal Postal Convention,⁸ particularly those concerning transit payments;

(f) put their mail services, subject to prepayment in the normal way, at the disposal of the personnel of any Antarctic station occupied by another participating country which is for any reason prevented from using the stamps of that country for the prepayment of its correspondence.

In respect of Recommendation I-XIII, the Chilean Delegation stated that it understood that the declaration in no way implied a change in Article V of the Antarctic Treaty, and the French Delegation stated that it considered that the information exchanged should also be brought to the notice of the International Atomic Energy Agency when Governments considered this was appropriate.

In respect of Recommendation I-XIV, the New Zealand Delegation expressed the hope that any consultations pursuant to paragraphs 2 and 3 would take place in a capital where New Zealand had diplomatic representation.

⁸ TIAS 4202; 10 UST 413.

ANTARCTICA

(Multilateral)

Measures in Furtherance of Principles and Objectives of the Antarctic Treaty

Recommendations adopted at the Second Consultative Meeting under Article IX of the Antarctic Treaty, at Buenos Aires, July 28, 1962; Effective January 11, 1963. -

[RECOMMENDATIONS^[1] OF SECOND ANTARCTIC TREATY CONSULTATIVE MEETING]

The Meeting unanimously agreed to adopt the following recommendations:^[2]

II-I

The Representatives recommend to their Governments that, in accordance with Article III of the Antarctic Treaty^[3] and in the light of recommendations made by SCAR,^[4] they take measures contributing to:

1. The completion by July 1, 1963, or as soon thereafter as practicable, of the transmission by scientific organizations to the recognized international data gathering centres of scientific observations carried out in Antarctica from 1957 until 1959 inclusive, and 1960 if possible.

2. (a) The free availability and exchange, by all appropriate means, of scientific observations and results, in every scientific discipline, obtained by expeditions in any part of Antarctica;

- (b) the prompt transmission, preferably within a year of the receipt in each country of the data from Antarctica, of such observations and results to the recognized international data gathering centres, where such centres exist.

¹ The English language text printed herein is a verbatim extract of the Recommendations from the Report of the Second Antarctic Treaty Consultative Meeting, as certified by the Secretary General of that Meeting at Buenos Aires.

The original documents relating to the said Meeting are held in the archives of the Argentine Government, Buenos Aires.

² Adopted July 28, 1962. The Recommendations became effective Jan. 11, 1963, in accordance with article IX(4) of the Antarctic Treaty, having been approved by the following Contracting Parties: Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

³ TIAS 4780; 12 UST 796.

⁴ Special Committee on Antarctic Research.

3. (a) The free availability of published results of Antarctic research carried out since the beginning of the International Geophysical year;

(b) the transmission to the recognized international data gathering centres, before July 1, 1963, of such publications already issued;

(c) the transmission to these centres of future publications within two months of their issue or as soon thereafter as practicable.

II-II

Recalling and reaffirming Recommendation I-VIII of the First Consultative Meeting,⁵ and expressing their conviction that the general rules attached to that Recommendation should be scrupulously observed.

The Representatives recommend to their Governments that:

a) they collect and exchange information on the measures which they have adopted for the protection of living resources in the Antarctic;

b) they promote the further exchange and evaluation of information about the existing state of living resources in the Antarctic;

c) they consult together with a view to the establishment, in an appropriate form and at an early date, of effective and internationally agreed measures on this subject;

d) these consultations should take into account the rules attached to Recommendation I-VIII of the First Consultative Meeting, the recommendations made on this subject by SCAR, the proposal submitted by the Delegation of the United Kingdom in Document P.3 to the Second Consultative Meeting, and the views expressed by Delegations in the discussion of this item;

e) in the course of the meetings held to prepare the Third Consultative Meeting they undertake the task of formulating on the basis of the principles enunciated above, the draft text of measures on this subject to be submitted to that Consultative Meeting with a view to its approval and recommendation to Governments.

II-III

The Representatives, taking into consideration Recommendation I-XI of the First Consultative Meeting concerning Antarctic radio communications, recommend to their Governments that the proposed meeting of specialists in Antarctic radio communications should take place between May 1 and August 31, 1963 on a date and at a place to be fixed.

II-IV

In accordance with Article VII paragraph 5 of the Antarctic Treaty, the Representatives recommend to their Governments that they should endeavor to furnish prompt and full information regarding their Antarctic activities as listed in Recommendation I-VI of the First Consultative Meeting, and within the time limits indicated in that Recommendation.

⁵ TIAS 5094; 23 UST 1352.

II-V

The Representatives recommend to their Governments that in view of Recommendation I-VII of the First Consultative Meeting designed to achieve one of the objectives of the Antarctic Treaty, namely the creation of conditions necessary for carrying out scientific investigation, and in view of the logistic symposium organized by SCAR which is soon to take place:

a) a meeting or symposium of experts should be held, to review the present state of knowledge acquired on the organization of expeditions, logistic support and transport, in order to evaluate such knowledge;

b) consultations be held during the preparations for the next Consultative Meeting to fix a suitable date, place, organization and agenda for such meeting or symposium.

II-VI -

The Representatives recommend to their Government that they report through diplomatic channels, as soon as possible, and in any case prior to June 30 of each year, on any extensions, reductions or other modifications in the development of the activities previously reported in accordance with Article VII paragraph 5 of the Antarctic Treaty, and Recommendation I-VI of the First Consultative Meeting.

II-VII

The Representatives recommend to their Governments that, in order better to implement Articles II and III of the Antarctic Treaty and Recommendations I-I and I-II of the First Consultative Meeting, they should make appropriate arrangements:

a) to expedite the execution of administrative procedures required by their Laws, regulations and binding international agreements that apply to shipments of samples, specimens, records and scientific instruments related to Antarctic scientific research;

b) to provide proper care in the handling of this type of shipments.

II-VIII

The Representatives recommend to their Governments that they should encourage, by whatever means they consider appropriate, international cooperation and the interchange of scientific personnel, observations and results, in connection with their respective national programmes of Antarctic scientific investigation and research associated with the International Year of the Quiet Sun (1964-65).

II-IX

The Representatives recommend to their Governments:

a) that they take the necessary steps to examine as soon as possible, in conformity with their legal and constitutional procedures, the recommendations adopted by any Consultative Meeting and that they take a decision on such recommendations as they find themselves able to approve as soon as possible after such

recommendations have been officially communicated to them by the Government which was the host for the Consultative Meeting concerned;

b) that if they find themselves unable to give early approval to one or more of the recommendations of a Consultative Meeting, they should signify their approval of the remaining recommendations, whether separately or as a group, as soon as they are able to do so.

II-X

The Representatives recommend that their Governments accept the offer made by the Delegation of Belgium, to the effect that the Third Consultative Meeting under Article IX of the Antarctic Treaty be held in Brussels.

This Meeting will be held on a date to be decided upon by agreement among the participating Governments.

[STATEMENT]

With reference to Recommendation II-X, the Chilean delegation expressed the hope that in the near future the Consultative Meeting will recommend to the Governments that the sessions referred to in Article IX of the Antarctic Treaty be held every two years, on the date considered most appropriate, without prejudice to advancing these dates or convening extraordinary sessions should circumstances render it advisable.

TIAS 5274

STATEMENT BY U.S. SENATE COMMITTEE ON COMMERCE STAFF
ANTARCTIC TREATY

JANUARY 1965

The provisions of the Antarctic Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regards to the high seas within that area.

Attention is called to Section I-VIII, page 12, in which they bring to the attention of all entering the area the need for the protection of living resources. General rules of conduct for preservation and conservation of living resources in Antarctica are there established.

B. CONSERVATION

(See also Fisheries; Seals; Whaling)

- (1) Convention on nature protection and wildlife preservation in the Western Hemisphere, and annex.

Opened for signature at the Pan American Union, Washington, October 12, 1940; entered into force for the United States, April 30, 1942.

56 Stat. 1354; TS 981; 161 UNTS 193.

States which are parties:

Argentina¹

Dominican Republic

Ecuador

El Salvador

Guatemala

Haiti

Mexico

Nicaragua

Peru

United States

Venezuela

¹ With reservation

NATURE PROTECTION AND WILDLIFE PRESERVATION IN THE WESTERN HEMISPHERE

Convention Between the United States of America and Other American Republics and Annex

Convention between the United States of America and other American Republics respecting nature protection and wildlife preservation in the Western Hemisphere. Opened for signature at the Pan American Union at Washington October 12, 1940; signed for the United States of America October 12, 1940; ratification advised by the Senate of the United States of America April 7, 1941; ratified by the President of the United States April 15, 1941; ratification of the United States deposited with the Pan American Union at Washington April 28, 1941; proclaimed by the President of the United States April 30, 1942.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention on nature protection and wildlife preservation in the Western Hemisphere was opened for signature at the Pan American Union on October 12, 1940, and was on that day signed by the respective plenipotentiaries of the United States of America, Bolivia, Cuba, the Dominican Republic, Ecuador, El Salvador, Nicaragua, Peru, and Venezuela and was subsequently signed on behalf of Costa Rica on October 24, 1940, Mexico on November 20, 1940, Uruguay on December 9, 1940, Brazil on December 27, 1940, Colombia on January 17, 1941, Chile on January 22, 1941, Guatemala on April 9, 1941, Haiti on April 29, 1941, and Argentina on May 19, 1941, the original of which convention, being in the English, * * * languages, is word for word as follows:

PREAMBLE

The governments of the American Republics, wishing to protect and preserve in their natural habitat representatives of all species and genera of their native flora and fauna, including migratory birds, in sufficient numbers and over areas extensive enough to assure them from becoming extinct through any agency within man's control; and

Wishing to protect and preserve scenery of extraordinary beauty, unusual and striking geologic formations, regions and natural objects

of aesthetic, historic or scientific value, and areas characterized by primitive conditions in those cases covered by this Convention; and

Wishing to conclude a convention on the protection of nature and the preservation of flora and fauna to effectuate the foregoing purposes, have agreed upon the following Articles:

ARTICLE I

Description of terms used in the wording of this Convention.

1. The expression NATIONAL PARKS shall denote:

Areas established for the protection and preservation of superlative scenery, flora and fauna of national significance which the general public may enjoy and from which it may benefit when placed under public control.

2. The expression NATIONAL RESERVES shall denote:

Regions established for conservation and utilization of natural resources under government control, on which protection of animal and plant life will be afforded in so far as this may be consistent with the primary purpose of such reserves.

3. The expression NATURE MONUMENTS shall denote:

Regions, objects, or living species of flora or fauna of aesthetic, historic or scientific interest to which strict protection is given. The purpose of nature monuments is the protection of a specific object, or a species of flora or fauna, by setting aside an area, an object, or a single species, as an inviolate nature monument, except for duly authorized scientific investigations or government inspection.

4. The expression STRICT WILDERNESS RESERVES shall denote:

A region under public control characterized by primitive conditions of flora, fauna, transportation and habitation wherein there is no provision for the passage of motorized transportation and all commercial developments are excluded.

5. The expression MIGRATORY BIRDS shall denote:

Birds of those species, all or some of whose individual members, may at any season cross any of the boundaries between the American countries. Some of the species of the following families are examples of birds characterized as migratory: Charadriidae, Scolopacidae, Caprimulgidae, Hirundinidae.

ARTICLE II

1. The Contracting Governments will explore at once the possibility of establishing in their territories national parks, national reserves, nature monuments, and strict wilderness reserves as defined in the preceding article. In all cases where such establishment is feasible, the creation thereof shall be begun as soon as possible after the effective date of the present Convention.

2. If in any country the establishment of national parks, national reserves, nature monuments, or strict wilderness reserves is found to be impractical at present, suitable areas, objects or living species of fauna or flora, as the case may be, shall be selected as early as possible to be transformed into national parks, national reserves, nature monuments or strict wilderness reserves as soon as, in the opinion of the authorities concerned, circumstances will permit.

3. The Contracting Governments shall notify the Pan American Union of the establishment of any national parks, national reserves, nature monuments, or strict wilderness reserves, and of the legislation, including the methods of administrative control, adopted in connection therewith.

ARTICLE III

The Contracting Governments agree that the boundaries of national parks shall not be altered, or any portion thereof be capable of alienation, except by the competent legislative authority. The resources of these reserves shall not be subject to exploitation for commercial profit.

The Contracting Governments agree to prohibit hunting, killing and capturing of members of the fauna and destruction or collection of representatives of the flora in national parks except by or under the direction or control of the park authorities, or for duly authorized scientific investigations.

The Contracting Governments further agree to provide facilities for public recreation and education in national parks consistent with the purposes of this Convention.

ARTICLE IV

The Contracting Governments agree to maintain the strict wilderness reserves inviolate, as far as practicable, except for duly authorized scientific investigations or government inspection, or such uses as are consistent with the purposes for which the area was established.

ARTICLE V

1. The Contracting Governments agree to adopt, or to propose such adoption to their respective appropriate law-making bodies, suitable laws and regulations for the protection and preservation of flora and fauna within their national boundaries, but not included in the national parks, national reserves, nature monuments, or strict wilderness reserves referred to in Article II hereof. Such regulations shall contain proper provisions for the taking of specimens of flora and fauna for scientific study and investigation by properly accredited individuals and agencies.

2. The Contracting Governments agree to adopt, or to recommend that their respective legislatures adopt, laws which will assure the protection and preservation of the natural scenery, striking geological formations, and regions and natural objects of aesthetic interest or historic or scientific value.

ARTICLE VI

The Contracting Governments agree to cooperate among themselves in promoting the objectives of the present Convention. To this end they will lend proper assistance, consistent with national laws, to scientists of the American Republics engaged in research and field study; they may, when circumstances warrant, enter into agreements with one another or with scientific institutions of the Americas in order to increase the effectiveness of this collaboration; and they shall make available to all the American Republics equally through publication or otherwise the scientific knowledge resulting from such cooperative effort.

ARTICLE VII

The Contracting Governments shall adopt appropriate measures for the protection of migratory birds of economic or aesthetic value or to prevent the threatened extinction of any given species. Adequate measures shall be adopted which will permit, in so far as the respective governments may see fit, a rational utilization of migratory birds for the purpose of sports as well as for food, commerce, and industry, and for scientific study and investigation.

ARTICLE VIII

The protection of the species mentioned in the Annex to the present Convention,² is declared to be of special urgency and importance. Species included therein shall be protected as completely as possible, and their hunting, killing, capturing, or taking, shall be allowed only with the permission of the appropriate government authorities in the country. Such permission shall be granted only under special circumstances, in order to further scientific purposes, or when essential for the administration of the area in which the animal or plant is found.

ARTICLE IX

Each Contracting Government shall take the necessary measures to control and regulate the importation, exportation and transit of protected fauna or flora or any part thereof by the following means:

1. The issuing of certificates authorizing the exportation or transit of protected species of flora or fauna, or parts thereof.
2. The prohibition of the importation of any species of fauna or flora or any part thereof protected by the country of origin unless accompanied by a certificate of lawful exportation as provided for in Paragraph 1 of this Article.

ARTICLE X

1. The terms of this convention shall in no way be interpreted as replacing international agreements previously entered into by one or more of the High Contracting Powers.

2. The Pan American Union shall notify the Contracting Parties of any information relevant to the purposes of the present Convention communicated to it by any national museums or by any organizations, national or international, established within their jurisdiction and interested in the purposes of the Convention.

ARTICLE XI

1. The original of the present Convention in Spanish, English, Portuguese and French shall be deposited with the Pan American Union and opened for signature by the American Governments on October 12, 1940.

² [The Annex comprises the lists of species transmitted by interested Governments to the Pan American Union, Washington, D.C., depository for the Convention. These lists are printed in Treaty Series 981, pages 27-77. It is understood by this Government that such lists are to be considered as flexible rather than permanent in character and may from time to time be altered by the respective Governments by the addition or removal of such species from their several lists as changes and conditions may seem to them to warrant.]

2. The present Convention shall remain open for signature by the American Governments. The instruments of ratification shall be deposited with the Pan American Union, which shall notify their receipt and the dates thereof, and the terms of any accompanying declarations or reservations, to all participating Governments.

3. The present Convention shall come into force three months after the deposit of not less than five ratifications with the Pan American Union.

4. Any ratification received after the date of the entry into force of the Convention, shall take effect three months after the date of its deposit with the Pan American Union.

ARTICLE XII

1. Any Contracting Government may at any time denounce the present Convention by a notification in writing addressed to the Pan American Union. Such denunciation shall take effect one year after the date of the receipt of the notification by the Pan American Union, provided, however, that no denunciation shall take effect until the expiration of five years from the date of the entry into force of this Convention.

2. If, as the result of simultaneous or successive denunciations, the number of Contracting Governments is reduced to less than three, the Convention shall cease to be in force from the date on which the last of such denunciations takes effect in accordance with the provisions of the preceding Paragraph.

3. The Pan American Union shall notify all of the American Governments of any denunciations and the date on which they take effect.

4. Should the Convention cease to be in force under the provisions of Paragraph 2 of this article, the Pan American Union shall notify all of the American Governments, indicating the date on which this will become effective.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Convention at the Pan American Union, Washington, D.C., on behalf of their respective Governments and affix thereto their seals on the dates appearing opposite their signatures.

WHEREAS it is stipulated in section 3 of article XI of the said convention that the convention shall come into force three months after the deposit of not less than five ratifications with the Pan American Union; and in section 4 of the said article XI that any ratification received after the date of the entry into force of the convention shall take effect three months after the date of its deposit with the Pan American Union;

WHEREAS the said convention has been ratified on the parts of the Governments of the United States of America, Guatemala, Venezuela, El Salvador, Haiti, the Dominican Republic, and Mexico, and the respective instruments of ratification of the Governments of those countries were deposited with the Pan American Union on days as follows, by the United States of America on April 28, 1941, by Guate-

mala on August 14, 1941, by Venezuela on November 3, 1941, by El Salvador on December 2, 1941, by Haiti on January 31, 1942, by the Dominican Republic on March 3, 1942, and by Mexico on March 27, 1942; and

WHEREAS pursuant to the aforesaid provision of section 3 of article XI of the said convention, the convention will come into force on April 30, 1942, three months after January 31, 1942, the date of deposit of the ratification of Haiti;

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof on and after April 30, 1942.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this thirtieth day of April in the year of our Lord one thousand nine hundred and forty-
[SEAL] two, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State

TIAS 981

JANUARY 1965

STATEMENT BY U.S. SENATE COMMITTEE ON COMMERCE STAFF
NATURE PROTECTION AND WILDLIFE PRESERVATION
IN THE WESTERN HEMISPHERE TREATY

LIST OF SPECIES TO BE INCLUDED FOR THE UNITED STATES OF AMERICA IN THE
ANNEX TO THE CONVENTION OF NATURE PROTECTION AND WILDLIFE PRES-
ERVATION IN THE WESTERN HEMISPHERE

Woodland Caribou
Sea Otter
Manatee
Trumpeter Swan
California Condor
Whooping Crane
Eskimo Curlew
Hudsonian Godwit
Puerto Rican Parrot
Ivory-billed Woodpecker

Rangifer caribou sylvestris
Enhydra lutris
Trichechus latirostris
Cygnus buccinator
Gymnogyps californianus
Grus americana
Phaeopus borealis
Limosa haemastica
Amazona vittata
Campephilus principalis

C. FISHERIES

(See also Conservation; Seals; Whaling)

- (1) Amended agreement for the establishment of the Indo-Pacific Fisheries Council.
Approved at the 11th Session of the Conference of the Food and Agriculture Organization, Rome, November 23, 1961; entered into force for the United States November 23, 1961.
13 UST 2511; TIAS 5218; 418 UNTS 348.
- (2) International convention for the Northwest Atlantic Fisheries. Dated at Washington February 8, 1949; entered into force for the United States July 3, 1950.
1 UST 477; TIAS 2089; 157 UNTS 157.
- (3) Protocol to the international convention for the Northwest Atlantic Fisheries signed under date of February 8, 1949.
Done at Washington June 25, 1956; entered into force for the United States January 10, 1959.
10 UST 59; TIAS 4170; 331 UNTS 388.
- (4) Declaration of understanding regarding the International convention for the northwest Atlantic fisheries.
Done at Washington April 24, 1961; entered into force for the United States June 5, 1963.
TIAS 5380; 14 UST 924.
- (5) Convention for the establishment of an Inter-American Tropical Tuna Commission with exchange of notes of March 3, 1950.
Signed at Washington May 31, 1949; entered into force for the United States March 3, 1950.
1 UST 230; TIAS 2044; 80 UNTS 3.
- (6) International Convention for the high seas fisheries of the North Pacific Ocean, with annex and protocol.
Signed at Tokyo May 9, 1952; entered into force for the United States June 12, 1953.
4 UST 380; TIAS 2786; 205 UNTS 65.
- (7) Amendment of paragraphs 1 (a) and (b) of the annex to the international convention for the high seas fisheries of the North Pacific Ocean of May 9, 1952.
Adopted at Seattle November 17, 1962; entered into force for the United States May 8, 1963.
TIAS 5385; 14 UST 953.

- (1) Amended agreement for the establishment of the Indo-Pacific Fisheries Council.

Approved at the 11th Session of the Conference of the Food and Agriculture Organization, Rome, November 23, 1961; entered into force for the United States November 23, 1961.

13 UST 2511; TIAS 5218; 418 UNTS 348.

States which are parties:

Australia
Burma
Cambodia
Ceylon
France
India
Indonesia
Japan
Korea

Malaysia
Netherlands
Pakistan
Philippines
Thailand
United Kingdom
United States
Viet-Nam

INDO-PACIFIC FISHERIES COUNCIL

(Multilateral)

Agreement as amended at the Ninth Session of the Council, Karachi, January 6-23, 1961.

Adopted January 20, 1961, by the Council at the Ninth Session, Karachi;

Approved November 23, 1961, by the Eleventh Session of the Food and Agriculture Organization of the United Nations, held at Rome;

Entered into force November 23, 1961.

And amendments adopted December 17, 1958, by the Council at the Eighth Session, Colombo;

Entered into force December 17, 1958.

Agreement for the Establishment of the Indo-Pacific Fisheries Council¹ as amended by the Ninth Session of the Indo-Pacific Fisheries Council Karachi, Pakistan (6-23 January 1961) and approved by the Eleventh Session of the Conference of the Food and Agriculture Organization of the United Nations Rome, Italy (4-24 November 1961)

PREAMBLE

The Governments of Burma, China,² France, India, the Netherlands, the Republic of the Philippines, the United Kingdom and the United States of America, Members of the Food and Agriculture Organization of the United Nations, having a mutual interest in the development and proper utilization of the living aquatic resources of the Indo-Pacific areas, and desiring to further the attainment of these ends through international co-operation by the establishment of an Indo-Pacific Fisheries Council, agree as follows:

ARTICLE I

The Council

1. The contracting Governments agree to establish, within the framework of the Food and Agriculture Organization of the United Nations (hereinafter referred to as "the Organization"), a Council to

¹The amended text printed herein replaces the text of the agreement of Feb. 26, 1948 (TIAS 1895; 62 Stat. (pt. 3) 3711), and also the composite text of the agreement as revised at the Sixth Session of the Council, Tokyo (TIAS 3674; 7 UST 2927), and the amendments to the agreement which adopted Dec. 17, 1958, at the Eighth Session of the Council, Colombo (*post*, p. 2527).

²The Government of China having withdrawn from the FAO is deemed to have withdrawn also from the Indo-Pacific Fisheries Council. (Source: FAO document 59/10/7287, Oct. 5, 1959.)

be known as the Indo-Pacific Fisheries Council, for the purpose of carrying out the functions and duties hereinafter set forth in Article IV.

2. The Members of the Council³ shall be such Member Nations and Associate Members of the Organization and such Non-Member Nations of the Organization which are Members of the United Nations, that accept this Agreement in accordance with the provisions of Article IX thereof. As regards Associate Members, this Agreement shall, in accordance with the provisions of Article XIV-5 of the Constitution⁴ and Rule XXXI-3 of the General Rules of the Organization, be submitted by the Organization to the authority having responsibility for the international relations of such Associate Members.

ARTICLE II

Organization

1. Each Member shall be represented at sessions of the Council by a single delegate, who may be accompanied by an alternate and by experts and advisers. Participation in sessions of the Council by alternates, experts and advisers shall not entail the right to vote, except in the case of an alternate who is acting in the place of a delegate during his absence.

2. Each Member shall have one vote. Decisions of the Council shall be taken by a majority of the votes cast, except when a greater majority is required by this Agreement or by the Rules governing the procedure of the Council. A majority of the total membership of the Council shall constitute a quorum.

3. The Council shall at each regular session elect a Chairman and a Vice-Chairman who shall serve until the end of the next regular session.

4. The Chairman of the Council in consultation with the Director-General of the Organization shall convene a regular session of the Council at least once in every two years unless otherwise directed by a majority of the Members. The site and date of all sessions shall be determined by the Council in consultation with the Director-General of the Organization.

5. The seat of the Council shall be at the seat of the Regional Office of the Organization most conveniently situated within the area defined in Article V. Pending the establishment of such a Regional Office, the Council shall select a temporary seat within that area.

6. The Organization shall provide the Secretariat for the Council and the Director-General shall appoint its Secretary, who shall be administratively responsible to him.

7. The Council may, by a two-thirds majority of its membership, adopt and amend its own Rules of Procedure which shall be consistent with the General Rules of the Organization. The Rules of the Council and any amendments thereto shall come into force as from the date of approval by the Director-General of the Organization, subject to confirmation by the Council of the Organization.

³ At the time of this publication, the Member Nations were as follows: United States of America, Australia, Burma, Cambodia, Ceylon, France, India, Indonesia, Japan, Republic of Korea, Malaya, Netherlands, Pakistan, Philippines, Thailand, United Kingdom, and Viet-Nam.

⁴ TIAS 4803; 12 UST 995.

ARTICLE III

Committees and Working Parties

1. There shall be an Executive Committee consisting of the Chairman, the Vice-Chairman and the immediately retired Chairman. In the unavoidable absence of one or two members of the Executive Committee from a Committee session, the Chairman shall have the power to co-opt the chairman of one or two of the Technical Committees which may from time to time be established in accordance with the Rules governing the procedure of the Council, at his discretion, to substitute the absent Committee member or members for that Committee session only, provided that one permanent member of the Executive Committee shall always be present and that the number of voting members attending the Committee session shall in no case exceed three.

2. The Council may in addition establish temporary, special or standing committees to study and report on matters pertaining to the purpose of the Council.

3. The Council may establish working parties to study and recommend on specific technical problems. These working parties shall be convened by the Director-General of the Organization at such times and places as are in accordance with the objectives for which they were established.

4. The establishment of committees and working parties referred to in paragraphs 2 and 3 above shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Organization; the determination of such availability shall be made by the Director-General. Before taking any decision involving expenditures in connection with the establishment of committees and working parties the Council shall have before it a report from the Director-General on the administrative and financial implications thereof.

ARTICLE IV

Functions

The Council shall have the following functions and duties:

a. To formulate the oceanographical, biological and other technical aspects of the problems of development and proper utilization of living aquatic resources;

b. To encourage and co-ordinate research and application of improved methods in every day practice;

c. To assemble, publish or otherwise disseminate oceanographical, biological and other technical information relating to living aquatic resources;

d. To recommend to Members such national or co-operative research and development projects as may appear necessary or desirable to fill gaps in such knowledge;

e. To undertake, where appropriate, co-operative research and development projects directed to this end;

f. To propose, and where necessary to adopt, measures to bring about the standardization of scientific equipment, techniques and nomenclature;

g. To extend its good offices in assisting its Members to secure essential material and equipment;

h. To report upon such questions relating to oceanographical, biological and other technical problems as may be recommended to it by Members or by the Organization and other international, national or private organizations with related interests;

i. To transmit biennially to the Director-General of the Organization a report embodying its views, recommendations and decisions, and make such other reports to the Director-General of the Organization as may seem to it necessary or desirable. Reports of the committees and working parties of the Council provided for in Article III of this Agreement shall be transmitted to the Director-General through the Council.

ARTICLE V

Area

The Council shall carry out the functions and duties set forth in Article IV in the Indo-Pacific area.

ARTICLE VI

Cooperation with International Bodies

The Council shall cooperate closely with other international bodies in matters of mutual interest.

ARTICLE VII

Expenses

1. The expenses of delegates and their alternates, experts and advisers occasioned by attendance at sessions of the Council and the expenses of representatives on committees or working parties established in accordance with Article III of this Agreement shall be determined and paid by their respective governments.

2. The expenses of the Secretariat, including publications and communications, and of the Chairman, Vice-Chairman and the immediately retired Chairman of the Council, when performing duties connected with its work during intervals between its sessions, shall be determined and paid by the Organization within the limits of a biennial budget prepared and approved in accordance with the Constitution, the General Rules and Financial Regulations of the Organization.

3. The expenses of research or development projects undertaken by individual Members of the Council, whether independently or upon the recommendation of the Council, shall be determined and paid by their respective Governments.

4. The expenses incurred in connection with cooperative research or development projects undertaken in accordance with the provisions of Article IV, paragraphs (d) and (e) unless otherwise available shall be determined and paid by the Members in the form and proportion to which they shall mutually agree. Cooperative projects shall

be submitted to the Council of the Organization prior to implementation. Contributions for cooperative projects shall be paid into a trust fund to be established by the Organization and shall be administered by the Organization in accordance with the Financial Regulations and Rules of the Organization.

5. The expenses of experts invited, with the concurrence of the Director-General, to attend meetings of the Council, committees or working parties in their individual capacity shall be borne by the budget of the Organization.

ARTICLE VIII

Amendments

The Indo-Pacific Fisheries Council may amend this Agreement by a two-thirds majority of all the Members of this Council, any amendment becoming effective only after concurrence of the Council of the Organization unless the latter considers it desirable to refer the amendment to the Conference of the Organization for approval. An amendment shall become effective as from the date of the decision of the Council or Conference of the Organization as appropriate. However, any amendment involving new obligations for Members shall come into force with respect to each Member only on acceptance of it by that Member. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of the Organization who shall inform all the Members of the Indo-Pacific Fisheries Council as well as the Secretary-General of the United Nations of the receipt of acceptances and the entry into force of such amendments. The rights and obligations of any member of the Indo-Pacific Fisheries Council that has not accepted an amendment involving additional obligations shall continue to be governed by the provisions of this Agreement as they stood prior to the amendment.

ARTICLE IX

Acceptance

1. This agreement shall be open to acceptance by Member Nations and Associate Members of the Organization.

2. The Council may, by a two-thirds majority of its membership, admit to membership such other nations that are Members of the United Nations as have submitted an application for membership and a declaration made in a formal instrument that they accept this Agreement as in force at the time of admission. Participation by such nations in the activities of the Council shall be contingent upon the assumption of a proportionate share in the expenses of the Secretariat, as determined by the Organization.

3. Acceptance of this Agreement by any Member Nation or Associate Member of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization and shall take effect on receipt of such instrument by the Director-General.

4. Acceptance of this Agreement by non-Member Nations of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization. Membership shall become effective on the date on which the Council approves the application for membership, in conformity with the provisions of paragraph 2 of this Article.

5. The Director-General of the Organization shall inform all Members of the Council, all Member Nations of the Organization and the Secretary-General of the United Nations of all acceptances that have become effective.

6. Acceptance of this Agreement may be made subject to reservations which shall become effective only upon unanimous approval by the Members of the Council. The Director-General of the Organization shall notify forthwith all Members of the Council of any reservations. Members of the Council not having replied within three months from the date of the notification shall be deemed to have accepted the reservation. Failing such approval the Nation making the reservation shall not become a party to this Agreement.

ARTICLE X

Entry into Force

This Agreement shall enter into force upon the date of receipt of the fifth instrument of acceptance.

ARTICLE XI

Territorial Application

The Members of the Council shall, when accepting this Agreement, state explicitly to which territories their participation shall extend. In the absence of such a declaration, participation shall be deemed to apply to all the territories for the international relations of which the Member is responsible. Subject to the provisions of Article XII below, the scope of the territorial application may be modified by a subsequent declaration.

ARTICLE XII

Withdrawal

1. Any Member may withdraw from this Agreement at any time after the expiration of two years from the date upon which the Agreement entered into force with respect to that Member by giving written notice of such withdrawal to the Director-General of the Organization who shall immediately inform of such withdrawal all the Members of the Council and the Member Nations of the Organization as well as the Secretary-General of the United Nations. Notice of withdrawal shall become effective three months from the date of its receipt by the Director-General.

2. A Member of the Council may give notice of withdrawal with respect to one or more of the territories for the international relations of which it is responsible. When a Member gives notice of its own

withdrawal from the Council it shall state to which territory or territories the withdrawal is to apply. In the absence of such a declaration, the withdrawal shall be deemed to apply to all the territories for the international relations of which the Member of the Council is responsible except that such withdrawal shall not be deemed to apply to an Associate Member.

3. Any Member of the Council that gives notice of withdrawal from the Organization shall be deemed to have simultaneously withdrawn from the Council, and this withdrawal shall be deemed to apply to all the territories for the international relations of which the Member concerned is responsible, except that such withdrawal shall not be deemed to apply to an Associate Member.

ARTICLE XIII

Interpretation and Settlement of Disputes

Any dispute regarding the interpretation or application of this Agreement if not settled by the Council shall be referred to a committee composed of one member appointed by each of the parties to the dispute, and in addition an independent chairman chosen by the members of the committee. The recommendations of such a committee, while not binding in character, shall become the basis for renewed consideration by the parties concerned of the matter out of which the disagreement arose. If as the result of this procedure the dispute is not settled, it shall be referred to the International Court of Justice in accordance with the Statute of the Court,⁵ unless the parties to the dispute agree to another method of settlement.

ARTICLE XIV

Termination

This Agreement shall be considered terminated if and when the number of Members of the Council drops below five unless the remaining Members of the Council unanimously decide otherwise.

ARTICLE XV

Certification and Registration

The text of this Agreement was originally formulated at Baguio the 26th day of February, one thousand nine hundred and forty eight in the English language. Two copies in the English and French languages of this Agreement as amended shall after approval by the Council or Conference of the Organization, as appropriate, be certified by the Chairman of the Conference or Council of the Organization and by the Director-General of the Organization. One of these copies shall be deposited in the archives of the Organization. The other copy shall be transmitted to the Secretary-General of the United Nations for registration. In addition, the Director-General shall certify copies of this Agreement and transmit one copy to each Mem-

⁵ TS 993 : 59 Stat. 1055.

ber Nation of the Organization and to such Non-Member Nations of the Organization that may become parties to this Agreement.

AMENDMENTS ['] TO THE COUNCIL AGREEMENT

At the 8th Session of the Indo-Pacific Fisheries Council held in Colombo, Ceylon, December 6-22, 1958, the Agreement constituting the IPFC was amended to permit re-programming of the Council's activities to conform with the view expressed at the 7th Session of the Council.

The Amendments of the Agreement were as follows:

ARTICLE II, par. 5, To delete the word "year" and insert the words "two years" after the word "every".

ARTICLE III, clause "i," To delete the word "annually" and substitute the word "biennially" after "to report".

ARTICLE VI, par. 2, To delete the words "an annual" and substitute the words "a biennial" before the word "budget".

* Source: Enclosure to FAO circular letter of June 3, 1959, reference IPFC/Circ.59/12 (FEFI 301).

These amendments, which entered into force Dec. 17, 1958, are embodied in the amended text of the agreement adopted at the Ninth Session of the Council. See Art. II, par. 4; Art. III, clause (i); Art. VII, par. 2.

DECEMBER 1, 1964

STATEMENT OF U.S. SENATE COMMITTEE ON COMMERCE STAFF

INDO-PACIFIC FISHERIES COUNCIL

The Indo-Pacific Fisheries Council was established by multilateral agreement formulated at Baguio, Philippines, February 26, 1948, and entered into force November 9, 1948 (60 Stat 1886). The Council operates under the sponsorship of the Food and Agricultural Organization of the United Nations. A member country pays the expenses of their delegates and alternates to the meetings of the Council and for any research undertaken by the individual country. The Food and Agricultural Organization appoints a Secretary and pays all expenses of the Secretariat. The Council reports annually to the Food and Agricultural Organization upon its activities and makes other reports as may be required from time to time.

The functions of the Council are basically "to formulate oceanographical, biological, and other technical aspects of the problems of development and proper utilization of living aquatic resources." The Council serves as a valuable medium for the coordination of research activities in this part of the world. Many of the results from research of the member countries are directly applicable to problems and research efforts of the United States. The United States has had a delegate at each meeting held by the Indo-Pacific Council since its first meeting in 1949 and has taken an active part in the activities of that Organization.

Benefits to the United States from participation in the Council include:

- (1) an understanding of the needs of developing countries so that programs of United States technical and economic assistance can be better formulated;
- (2) development of the fisheries of the area as a cheaper and better source of animal protein to the undernourished people of the member countries, thus encouraging more stable government;
- (3) information on the increasing exploitation of fishery resources in the area by certain countries, such as Japan and the USSR, in order to assist and protect the United States fishing industry as much as possible from export and import competition for markets; and
- (4) coordination of research on tuna and other fish which migrate long distances and are vulnerable to multiple fishing activity by countries on both sides of the Pacific.

The Council publishes a monthly Current Affairs Bulletin, an Annual Proceedings, and frequent technical reports on biology, oceanography and technical developments of value to United States scientists and the government.

- (2) International convention for the Northwest Atlantic Fisheries.
Dated at Washington February 8, 1949; entered into force for
the United States July 3, 1950.

1 UST 477; TIAS 2089; 157 UNTS 157.

States which are parties:

Canada

Denmark

France[†]

Germany, Fed. Rep.^{*}

Iceland

Italy

Norway

Poland

Portugal

Spain[†]

Union of Soviet Socialist

Republics

United Kingdom

United States

[†] With reservation.

^{*} Applicable to Land Berlin.

NORTHWEST ATLANTIC FISHERIES

(Multilateral)

Convention dated at Washington February 8, 1949; ratification advised by the Senate of the United States of America August 17, 1949; ratified by the President of the United States of America September 1, 1949; ratification of the United States of America deposited September 1, 1949; proclaimed by the President of the United States of America July 17, 1950; entered into force July 3, 1950.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the International Convention for the Northwest Atlantic Fisheries was signed at Washington under date of February 8, 1949 by the respective plenipotentiaries of the Governments of the United States of America, Canada, Denmark, France (with a reservation), Iceland, Italy, Newfoundland, Norway, Portugal, Spain (with a reservation), and the United Kingdom of Great Britain and Northern Ireland;

WHEREAS the text of the said Convention, in the English language, is word for word as follows:

International Convention for the Northwest Atlantic Fisheries

The Governments whose duly authorized representatives have subscribed hereto, sharing a substantial interest in the conservation of the fishery resources of the Northwest Atlantic Ocean, have resolved to conclude a convention for the investigation, protection and conservation of the fisheries of the Northwest Atlantic Ocean, in order to make possible the maintenance of a maximum sustained catch from those fisheries and to that end have, through their duly authorized representatives, agreed as follows:

ARTICLE I

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40' west longitude; thence due south to 39°00' north latitude; thence due east to 42°00' west longitude thence due north to 59°00' north latitude; thence due west to 44°00' west longitude; thence due north to the coast of Greenland; thence along the west coast of Green-

land to 78°10' north latitude; thence southward to a point in 75°00' north latitude and 73°30' west longitude; thence along a rhumb line to a point in 69°00' north latitude and 59°00' west longitude; thence due south to 61°00' north latitude; thence due west to 64°30' west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Government in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. The Convention area shall be divided into five sub-areas, the boundaries of which shall be those defined in the Annex to this Convention, subject to such alterations as may be made in accordance with the provisions of paragraph 2 of Article VI.

ARTICLE II

1. The Contracting Governments shall establish and maintain a Commission for the purposes of this Convention. The Commission shall be known as the International Commission for the Northwest Atlantic Fisheries, hereinafter referred to as "the Commission".

2. Each of the Contracting Governments may appoint not more than three Commissioners and one or more experts or advisers to assist its Commissioner or Commissioners.

3. The Commission shall elect from its members a Chairman and a Vice Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but not to a succeeding term. The Chairman and Vice Chairman must be Commissioners from different Contracting Governments.

4. The seat of the Commission shall be in North America at a place to be chosen by the Commission.

5. The Commission shall hold a regular annual meeting at its seat or at such place in North America as may be agreed upon by the Commission.

6. Any other meeting of the Commission may be called by the Chairman at such time and place as he may determine, upon the request of the Commissioner of a Contracting Government and subject to the concurrence of the Commissioners of two other Contracting Governments, including the Commissioner of a Government in North America.

7. Each Contracting Government shall have one vote which may be cast by any Commissioner from that Government. Decisions of the Commission shall be taken by a two-thirds majority of the votes of all the Contracting Governments.

8. The Commission shall adopt, and amend as occasion may require, financial regulations and rules and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

ARTICLE III

1. The Commission shall appoint an Executive Secretary according to such procedure and on such terms as it may determine.

2. The staff of the Commission shall be appointed by the Executive Secretary in accordance with such rules and procedures as may be determined and authorized by the Commission.

3. The Executive Secretary shall, subject to the general supervision of the Commission, have full power and authority over the staff and shall perform such other functions as the Commission shall prescribe.

ARTICLE IV

1. The Contracting Governments shall establish and maintain a Panel for each of the sub-areas provided for by Article I, in order to carry out the objectives of this Convention. Each Contracting Government participating in any Panel shall be represented on such Panel by its Commissioner or Commissioners, who may be assisted by experts or advisers. Each Panel shall elect from its members a Chairman who shall serve for a period of two years and shall be eligible for reelection but not to a succeeding term.

2. After this Convention has been in force for two years, but not before that time, Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel concerned, to determine representation on each Panel on the basis of current substantial exploitation in the sub-area concerned of fishes of the cod group (*Gadiformes*), of flat-fishes (*Pleuronectiformes*), and of rosefish (*genus Sebastes*), except that each Contracting Government with coastline adjacent to a sub-area shall have the right of representation on the Panel for the sub-area.

3. Each Panel may adopt, and amend as occasion may require, rules of procedure and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

4. Each Government participating in a Panel shall have one vote, which shall be cast by a Commissioner representing that Government. Decisions of the Panel shall be taken by a two-thirds majority of the votes of all the Governments participating in that Panel.

5. Commissioners of Contracting Governments not participating in a particular Panel shall have the right to attend the meetings of such Panel as observers, and may be accompanied by experts and advisers.

6. The Panels shall, in the exercise of their functions and duties, use the services of the Executive Secretary and the staff of the Commission.

ARTICLE V

1. Each Contracting Government may set up an Advisory Committee composed of persons, including fishermen, vessel owners and others, well informed concerning the problems of the fisheries of the Northwest Atlantic Ocean. With the assent of the Contracting Government concerned, a representative or representatives of an Advisory Committee may attend as observers all non-executive meetings of the Commission or of any Panel in which their Government participates.

2. The Commissioners of each Contracting Government may hold public hearings within the territories they represent.

ARTICLE VI

1. The Commission shall be responsible in the field of scientific investigation for obtaining and collating the information necessary for maintaining those stocks of fish which support international fisheries in the Convention area and the Commission may, through or in collaboration with agencies of the Contracting Governments or other public or private agencies and organizations or, when necessary, independently:

(a) make such investigations as it finds necessary into the abundance, life history and ecology of any species of aquatic life in any part of the Northwest Atlantic Ocean;

(b) collect and analyze statistical information relating to the current conditions and trends of the fishery resources of the Northwest Atlantic Ocean;

(c) study and appraise information concerning the methods for maintaining and increasing stocks of fish in the Northwest Atlantic Ocean;

(d) hold or arrange such hearings as may be useful or essential in connection with the development of complete factual information necessary to carry out the provisions of this Convention;

(e) conduct fishing operations in the Convention area at any time for purposes of scientific investigation;

(f) publish and otherwise disseminate reports of its findings and statistical, scientific and other information relating to the fisheries of the Northwest Atlantic Ocean as well as such other reports as fall within the scope of this Convention.

2. Upon the unanimous recommendation of each Panel affected, the Commission may alter the boundaries of the sub-areas set out in the Annex. Any such alteration shall forthwith be reported to the Depositary Government which shall inform the Contracting Governments, and the sub-areas defined in the Annex shall be altered accordingly.

3. The Contracting Governments shall furnish to the Commission, at such time and in such form as may be required by the Commission, the statistical information referred to in paragraph 1(b) of this Article.

ARTICLE VII

1. Each Panel established under Article IV shall be responsible for keeping under review the fisheries of its sub-area and the scientific and other information relating thereto.

2. Each Panel, upon the basis of scientific investigations, may make recommendations to the Commission for joint action by the Contracting Governments on the matters specified in paragraph 1 of Article VIII.

3. Each Panel may recommend to the Commission studies and investigations within the scope of this Convention which are deemed necessary in the development of factual information relating to its particular sub-area.

4. Any Panel may make recommendations to the Commission for the alteration of the boundaries of the sub-areas defined in the Annex.

5. Each Panel shall investigate and report to the Commission upon any matter referred to it by the Commission.

6. A Panel shall not incur any expenditure except in accordance with directions given by the Commission.

ARTICLE VIII

1. The Commission may, on the recommendations of one or more Panels, and on the basis of scientific investigations, transmit to the Depositary Government proposals, for joint action by the Contracting Governments, designed to keep the stocks of those species of fish which support international fisheries in the Convention area at a level permitting the maximum sustained catch by the application, with respect to such species of fish, of one or more of the following measures:

(a) establishing open and closed seasons;

(b) closing to fishing such portions of a sub-area as the Panel concerned finds to be a spawning area or to be populated by small or immature fish;

(c) establishing size limits for any species;

(d) prescribing the fishing gear and appliances the use of which is prohibited;

(e) prescribing an over-all catch limit for any species of fish.

2. Each recommendation shall be studied by the Commission and thereafter the Commission shall either

(a) transmit the recommendation as a proposal to the Depositary Government with such modifications or suggestions as the Commission may consider desirable, or

(b) refer the recommendation back to the Panel with comments for its reconsideration.

3. The Panel may, after reconsidering the recommendation returned to it by the Commission, reaffirm that recommendation, with or without modification.

4. If, after a recommendation is reaffirmed, the Commission is unable to adopt the recommendation as a proposal, it shall send a copy of the recommendation to the Depositary Government with a report of the Commission's decision. The Depositary Government shall transmit copies of the recommendation and of the Commission's report to the Contracting Governments.

5. The Commission may, after consultation with all the Panels, transmit proposals to the Depositary Government within the scope of paragraph 1 of this Article affecting the Convention area as a whole.

6. The Depositary Government shall transmit any proposal received by it to the Contracting Governments for their consideration and may make such suggestions as will facilitate acceptance of the proposal.

7. The Contracting Governments shall notify the Depositary Government of their acceptance of the proposal, and the Depositary Government shall notify the Contracting Governments of each acceptance communicated to it, including the date of receipt thereof.

8. The proposal shall become effective for all Contracting Governments four months after the date on which notifications of acceptance shall have been received by the Depositary Government from all the Contracting Governments participating in the Panel or Panels for the sub-area or sub-areas to which the proposal applies.

9. At any time after the expiration of one year from the date on which a proposal becomes effective, any Panel Government for the sub-area to which the proposal applies may give to the Depositary Government notice of the termination of its acceptance of the proposal and, if that notice is not withdrawn, the proposal shall cease to be effective for that Panel Government at the end of one year from the date of receipt of the notice by the Depositary Government. At any time after a proposal has ceased to be effective for a Panel Government under this paragraph, the proposal shall cease to be effective for any other Contracting Government upon the date a notice of withdrawal by such Government is received by the Depositary Government. The Depositary Government shall notify all Contracting Governments of every notice under this paragraph immediately upon the receipt thereof.

ARTICLE IX

The Commission may invite the attention of any or all Contracting Governments to any matters which relate to the objectives and purposes of this Convention.

ARTICLE X

1. The Commission shall seek to establish and maintain working arrangements with other public international organizations which have related objectives, particularly the Food and Agriculture Organization of the United Nations and the International Council for the Exploration of the Sea, to ensure effective collaboration and coordination with respect to their work and, in the case of the International Council for the Exploration of the Sea, the avoidance of duplication of scientific investigations.

2. The Commission shall consider, at the expiration of two years from the date of entry into force of this Convention, whether or not it should recommend to the Contracting Governments that the Commission be brought within the framework of a specialized agency of the United Nations.

ARTICLE XI

1. Each Contracting Government shall pay the expenses of the Commissioners, experts and advisers appointed by it.

2. The Commission shall prepare an annual administrative budget of the proposed necessary administrative expenditures of the Commission and an annual special projects budget of proposed expenditures on special studies and investigations to be undertaken by or on behalf of the Commission pursuant to Article VI or by or on behalf of any Panel pursuant to Article VII.

3. The Commission shall calculate the payments due from each Contracting Government under the annual administrative budget according to the following formula:

(a) from the administrative budget there shall be deducted a sum of 500 United States dollars for each Contracting Government;

(b) the remainder shall be divided into such number of equal shares as corresponds to the total number of Panel memberships;

(c) the payment due from any Contracting Government shall

be the equivalent of 500 United States dollars plus the number of shares equal to the number of Panels in which that Government participates.

4. The Commission shall notify each Contracting Government the sum due from that Government as calculated under paragraph 3 of this Article and as soon as possible thereafter each Contracting Government shall pay to the Commission the sum so notified.

5. The annual special projects budget shall be allocated to the Contracting Governments according to a scale to be determined by agreement among the Contracting Governments, and the sums so allocated to any Contracting Government shall be paid to the Commission by that Government.

6. Contributions shall be payable in the currency of the country in which the seat of the Commission is located, except that the Commission may accept payment in the currencies in which it may be anticipated that expenditures of the Commission will be made from time to time, up to an amount established each year by the Commission in connection with the preparation of the annual budgets.

7. At its first meeting the Commission shall approve an administrative budget for the balance of the first financial year in which the Commission functions and shall transmit to the Contracting Governments copies of that budget together with notices of their respective allocations.

8. In subsequent financial years, the Commission shall submit to each Contracting Government drafts of the annual budgets together with a schedule of allocations, not less than six weeks before the annual meeting of the Commission at which the budgets are to be considered.

ARTICLE XII

The Contracting Governments agree to take such action as may be necessary to make effective the provisions of this Convention and to implement any proposals which become effective under paragraph 8 of Article VIII. Each Contracting Government shall transmit to the Commission a statement of the action taken by it for these purposes.

ARTICLE XIII

The Contracting Governments agree to invite the attention of any Government not a party to this Convention to any matter relating to the fishing activities in the Convention area of the nationals or vessels of that Government which appear to affect adversely the operations of the Commission or the carrying out of the objectives of this Convention.

ARTICLE XIV

The Annex, as attached to this Convention and as modified from time to time, forms an integral part of this Convention.

ARTICLE XV

1. This Convention shall be ratified by the signatory Governments and the instruments of ratification shall be deposited with the Government of the United States of America, referred to in this Convention as the "Depositary Government".

2. This Convention shall enter into force upon the deposit of instruments of ratification by four signatory Governments, [1] and shall enter into force with respect to each Government which subsequently ratifies on the date of the deposit of its instrument of ratification.

3. Any Government which has not signed this Convention may adhere thereto by a notification in writing to the Depositary Government. Adherences received by the Depositary Government prior to the date of entry into force of this Convention shall become effective on the date this Convention enters into force. Adherences received by the Depositary Government after the date of entry into force of this Convention shall become effective on the date of receipt by the Depositary Government.

4. The Depositary Government shall inform all signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

5. The Depositary Government shall inform all Governments concerned of the date this Convention enters into force.

ARTICLE XVI

1. At any time after the expiration of ten years from the date of entry into force of this Convention, any Contracting Government may withdraw from the Convention on December thirty-first of any year by giving notice on or before the preceding June thirtieth to the Depositary Government which shall communicate copies of such notice to the other Contracting Governments.

2. Any other Contracting Government may thereupon withdraw from this Convention on the same December thirty-first by giving notice to the Depositary Government within one month of the receipt of a copy of a notice of withdrawal given pursuant to paragraph 1 of this Article.

ARTICLE XVII

1. The original of this Convention shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the signatory Governments and all the adhering Governments.

2. The Depositary Government shall register this Convention with the Secretariat of the United Nations.

3. This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed this Convention.

DONE in Washington this eighth day of February 1949 in the English language.

ANNEX

1. The sub-areas provided for by Article I of this Convention shall be as follows:

Sub-area 1—That portion of the Convention area which lies to the north and east of a rhumb line from a point in 75°00' north latitude

¹ July 3, 1950.

and 73°30' west longitude to a point in 69°00' north latitude and 59°00' west longitude; east of 59°00' west longitude; and to the north and east of a rhumb line from a point in 61°00' north latitude and 59°00' west longitude to a point in 52°15' north latitude and 42°00' west longitude.

Sub-area 2—That portion of the Convention area lying to the south and west of sub-area 1 defined above and to the north of the parallel of 52°15' north latitude.

Sub-area 3—That portion of the Convention area lying south of the parallel of 52°15' north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15' north latitude; to the north of the parallel of 39°00' north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 43°30' north latitude, 55°00' west longitude, in the direction of a point in 47°50' north latitude, 60°00' west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

Sub-area 4—That portion of the Convention area lying to the west of sub-area 3 defined above, and to the east of a line described as follows: beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point in 44°46'35.34" north latitude, 66°54'11.23" west longitude; thence due south to the parallel of 43°50' north latitude; thence due west to the meridian of 67°40' west longitude; thence due south to the parallel of 42°20' north latitude; thence due east to a point in 66°00' west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00' north latitude, 65°40' west longitude; thence due south to the parallel of 39°00' north latitude.

Sub-area 5—That portion of the Convention area lying west of the western boundary of sub-area 4 defined above.

2. For a period of two years from the date of entry into force of this Convention, Panel representation for each sub-area shall be as follows:

(a) *Sub-area 1*—Denmark, France, Italy, Norway, Portugal, Spain, United Kingdom;

(b) *Sub-area 2*—Denmark, France, Italy, Newfoundland;

(c) *Sub-area 3*—Canada, Denmark, France, Italy, Newfoundland, Portugal, Spain, United Kingdom;

(d) *Sub-area 4*—Canada, France, Italy, Newfoundland, Portugal, Spain, United States;

(e) *Sub-area 5*—Canada, United States;

it being understood that during the period between the signing of this Convention and the date of its entry into force, any signatory or adhering Government may, by notification to the Depositary Government, withdraw from the list of members of a Panel for any sub-area or be added to the list of members of the Panel for any sub-area on which it is not named. The Depositary Government shall inform all the other Governments concerned of all such notifications received and the memberships of the Panels shall be altered accordingly.

WHEREAS the Senate of the United States of America by their Resolution of August 17, 1949, two-thirds of the Senators present con-

curing therein, did advise and consent to the ratification of the said Convention;

WHEREAS the said Convention was duly ratified by the President of the United States of America on September 1, 1949, in pursuance of the aforesaid advice and consent of the Senate;

WHEREAS it is provided in Article XV of the said Convention that the Convention shall enter into force upon the deposit of instruments of ratification by four signatory Governments;

WHEREAS instruments of ratification of the said Convention have been deposited with the Government of the United States of America by the Governments of the following states, namely: the United States of America on September 1, 1949; the United Kingdom of Great Britain and Northern Ireland on December 15, 1949; Iceland on February 13, 1950; and Canada on July 3, 1950, with the following observation: "That ratification by Canada of the Convention extends to Newfoundland, and that any claims Canada may have in regard to the limits of territorial waters or to the jurisdiction over fisheries, particularly as a result of the entry of Newfoundland into Confederation, will not be prejudiced";

WHEREAS, pursuant to the aforesaid provision of Article XV of the said Convention, the Convention entered into force on July 3, 1950;

NOW, THEREFORE, be it known that I, Harry S Truman, President of the United States of America, do hereby proclaim and make public the said International Convention for the Northwest Atlantic Fisheries to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after July 3, 1950, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this seventeenth day of July in the year of our Lord one thousand nine hundred fifty and of
[SEAL] the Independence of the United States of American the one hundred seventy-fifth.

HARRY S TRUMAN

By the President:

DEAN ACHESON

Secretary of State

- (3) Protocol to the international convention for the Northwest Atlantic Fisheries signed under date of February 8, 1949.

Done at Washington June 25, 1956; entered into force for the United States January 10, 1959.

10 UST 59; TIAS 4170; 331 UNTS 388.

States which are parties:

Canada

Denmark

France

Germany, Fed. Rep.²

Iceland

Italy

Norway

Poland

Portugal

Spain

Union of Soviet Socialist
Republics

United Kingdom

United States

² Applicable to Land Berlin.

NORTHWEST ATLANTIC FISHERIES

Protocol Between the United States of America and Other Governments

(Multilateral)

Protocol amending the convention of February 8, 1949.

Dated at Washington June 25, 1956;

Ratification advised by the Senate of the United States of America May 13, 1957;

Ratified by the President of the United States of America May 22, 1957;

Ratification of the United States of America deposited May 22, 1957; Proclaimed by the President of the United States of America February 3, 1959;

Entered into force January 10, 1959.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a protocol to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949 was signed at Washington under date of June 25, 1956 for the United States of America and nine other Governments;

WHEREAS the text of the said protocol, in the English language, is word for word as follows:

Protocol to the International Convention for the Northwest Atlantic Fisheries Signed at Washington Under Date of February 8, 1949

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, [1] which Convention is hereinafter referred to as the 1949 Convention, desiring to provide for the holding of annual meetings of the Commission outside North America, agree as follows:

¹ TIAS 2089; 1 UST 477.

ARTICLE I

Paragraph 5 of Article II of the 1949 Convention is amended to read as follows:

"5. The Commission shall hold a regular annual meeting at its seat or at such other place in North America or elsewhere as may be agreed upon by the Commission."

ARTICLE II

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Government Party to the 1949 Convention.

2. This Protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the 1949 Convention.

3. The Government of the United States of America shall inform all Governments signatory or adhering to the 1949 Convention of all ratifications deposited and adherences received and of the date this Protocol enters into force.

ARTICLE III

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the 1949 Convention.

2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed this Protocol.

DONE in Washington this twenty-fifth day of June 1956 in the English language.

* * * * *

WHEREAS the Senate of the United States of America by their resolution of May 13, 1957, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said protocol;

WHEREAS the said protocol was duly ratified by the President of the United States of America on May 22, 1957, in pursuance of the afore-said advice and consent of the Senate;

WHEREAS it is provided in Article II of the said protocol that the protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949;

WHEREAS instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Gov-

ernment of the United States of America on behalf of all the Governments parties to the aforesaid 1949 Convention, namely: Denmark and Iceland on November 23, 1956; Portugal on January 17, 1957; Canada on March 27, 1957; the United Kingdom of Great Britain and Northern Ireland on April 2, 1957; Spain on May 2, 1957; Norway on May 15, 1957; the United States of America on May 22, 1957; Italy on June 7, 1957; the Federal Republic of Germany on June 27, 1957; the Union of Soviet Socialistic Republics on August 11, 1958; and France on January 10, 1959;

WHEREAS, pursuant to the aforesaid provision of Article II of the said protocol, the protocol entered into force on January 10, 1959;

Now, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said protocol to the International Convention for the Northwest Atlantic Fisheries to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after January 10, 1959, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this third day of February in the year of our Lord one thousand nine hundred fifty-
[SEAL] nine and of the Independence of the United States of America the one hundred eighty-third.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON

Acting Secretary of State

- (4) Declaration of understanding regarding the International convention for the northwest Atlantic fisheries.

Done at Washington April 24, 1961; entered into force for the United States June 5, 1963.

TIAS 5380; 14 UST 924.

States which are parties:

Canada

Denmark

France

Germany, Fed. Rep.

Iceland

Italy

Norway

Poland

Portugal

Spain

Union of Soviet Socialists
Republic

United Kingdom

NORTHWEST ATLANTIC FISHERIES

(Multilateral)

Declaration of understanding regarding the convention of February 8, 1949.

Signed at Washington, with reservation as to acceptance, April 24, 1961;

Acceptance advised by the Senate of the United States of America January 31, 1962;

Accepted by the President of the United States of America and notification of acceptance given on February 9, 1962;

Proclaimed by the President of the United States of America June 20, 1963;

Entered into force June 5, 1963.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a Declaration of Understanding Regarding the International Convention for the Northwest Atlantic Fisheries was signed at Washington under date of April 24, 1961 for the United States of America "with reservation as to acceptance" and for nine other Governments;

WHEREAS the text of the said Declaration of Understanding, in the English language, is word for word as follows:

DECLARATION OF UNDERSTANDING REGARDING THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES

1. The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949,¹ which Convention is hereinafter referred to as the Convention, hereby declare their understanding that the words "fish", "fishes", "fishery", "fisheries", and "fishing" as they appear in the Convention include and apply to mollusks, as well as finny fish.

2. Governments parties to the Convention may become parties to the present Declaration by:

- (a) Signature without reservation as to acceptance;
- (b) Signature with reservation as to acceptance, followed by acceptance; or
- (c) Acceptance.

¹ TIAS 2089; 1 UST 477.

3. Acceptance shall be effected by written notification to the Government of the United States of America.

4. This Declaration shall enter into force on the date upon which all the Governments parties to the Convention have become parties to this Declaration. Any Government becoming a party to the Convention after this Declaration enters into force shall accept this Declaration, such acceptance to be effective on the same date that such Government becomes a party to the Convention.

5. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all signatures and acceptances of this Declaration and of the date upon which this Declaration enters into force.

6. The original of this Declaration shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

7. This Declaration shall bear the date on which it is opened for signature and shall remain open for signature or acceptance for a period of fourteen days thereafter, following which period it shall remain open for acceptance.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Declaration.

DONE at Washington this twenty-fourth day of April 1961, in the English language.

* * * * *

WHEREAS the Senate of the United States of America by their resolution of January 31, 1962, two-thirds of the Senators present concurring therein, did advise and consent to the acceptance of the said Declaration of Understanding;

WHEREAS the said Declaration of Understanding was duly accepted by the President of the United States of America on February 9, 1962, in pursuance of the said advice and consent of the Senate;

WHEREAS it is provided in paragraph 4 of the said Declaration of Understanding that it shall enter into force on the date upon which all the Governments parties to the International Convention for the Northwest Atlantic Fisheries have become parties to the Declaration of Understanding;

WHEREAS paragraph 2 of the said Declaration of Understanding provides that Governments parties to the said Convention may become parties to the Declaration of Understanding by: (a) signature without reservation as to acceptance; (b) signature with reservation as to acceptance, followed by acceptance; or (c) acceptance;

WHEREAS all the Governments parties to the said Convention have taken action required by the aforementioned paragraph 2 to become parties to the said Declaration of Understanding as follows: the Declaration of Understanding was signed without reservation as to acceptance on behalf of Denmark and the United Kingdom of Great Britain and Northern Ireland on May 2, 1961, France and Spain on May 5, 1961, the Federal Republic of Germany, Iceland, Norway, Portugal, and the Union of Soviet Socialist Republics on May 8, 1961; the Declaration of Understanding was signed with reservation as to acceptance on April 24, 1961 and accepted on February 9, 1962 on

behalf of the United States of America; and the Declaration of Understanding was accepted on behalf of the following non-signatory Governments: Italy on September 14, 1961, Canada on September 15, 1961, and Poland on June 5, 1963;

WHEREAS, pursuant to the aforesaid provision of paragraph 4 of the Declaration of Understanding, the Declaration of Understanding entered into force on June 5, 1963;

NOW, THEREFORE, be it known that I, John F. Kennedy, President of the United States of America, do hereby proclaim and make public the said Declaration to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after June 5, 1963, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twentieth day of June in the year of our Lord one thousand nine hundred sixty-three
[SEAL] and of the Independence of the United States of America the one hundred eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK

Secretary of State

JANUARY 1965.

STATEMENT BY U.S. SENATE COMMITTEE ON COMMERCE STAFF

INTERNATIONAL COMMISSION FOR THE NORTHWEST ATLANTIC FISHERIES

The most notable of the Commission's accomplishments since its beginning in 1951, has been the members' dedication to international fishery conservation and the remarkable cooperation among the scientists and administrators of the different member countries and world conservation agencies in their efforts to maintain the stocks of fish in the Northwest Atlantic at a level permitting a maximum sustained catch. The Commission, proceeding on the basis of making sure of the scientific data before embarking on ambitious regulatory measures, drew up an international fisheries research program and stimulated the development of new ideas and techniques for the solution of international and national fisheries-management problems by organizing international scientific symposia on: 1. "Biological fisheries survey problems and techniques for their solution" at Biarritz, France in 1956; 2. "Fishing effort, effects of fishing and selectivity of fishing gear" at Lisbon, Portugal, with ICES and FAO in 1957; 3. "Redfish *Sebastes* in the North Atlantic" at Copenhagen, Denmark with ICES in 1959; 4. "Techniques for fish marking and methods of analyses of recovery data" at Woods Hole, Mass., U.S.A., in 1961. All symposia were published in the ICNAF Special Publication series for world-wide distribution.

Since 1951 ICNAF has collected, processed and published statistical and biological data on the fisheries of the Northwest Atlantic (ICNAF Statistical Bulletin and ICNAF Sampling Yearbook) and recently in cooperation with ICES and FAO has standardized statistical requirements and procedures for the whole of the North Atlantic region. In another area of operation, based on the success of an experimental 4½-inch mesh size regulation enforced in 1952 in Subarea 5 (George Bank) which allowed the small haddock in the declining trawl fishery for haddock to escape in the sizes and quantities recommended by Commission scientists, regulation by mesh size was applied as a conservation measure to other important commercial species in the other subareas. At present, ICNAF mesh-size regulations are enforced for cod and haddock in Subareas 3 (4-inch), 4, and 5 (4½-inch) and are proposed for all groundfish species in Subareas 1, 2, and 3, excluding redfish in Divisions 3NOP (4½-inch), and for cod, haddock, and flounders in Subarea 4 (4½-inch).

Commission scientists pioneered in the development of methods for the assessment of the benefit of saving small fish by regulating mesh size of the nets. In 1962, they reported on the effects of fishing on the stocks of the major commercial species and on assessments of the effect

on catches, both immediate and long-term, of changes in the selectivity of gear, in particular, of changes in the mesh-size of trawls. These assessments of the benefit of mesh regulations are reviewed annually and are the basis for recommendations by the Commission for changes in mesh-size regulation to maintain the fish stocks at a level permitting a maximum continuous catch.

In 1964, the Commission, from an assessment of the effect of the increasing fishing activity has found (a) that the fishing intensity with which many of the major stocks of cod and haddock are now being fished is near that at which they can provide their greatest sustained catches, (b) that mesh-size regulations cannot, in themselves, offset the consequences of the continuing build-up in fishing pressure. The Commission, concerned at the implications of these findings, has asked its scientists to continue studies of effects of fishing and to review possible additional conservation measures which might be used to ensure greatest continuous yield from the fish stocks in the Northwest Atlantic.

The Commission developed and adopted an environmental program to assess the influence of natural causes on the abundance and distribution of fish stocks and on the success of fishing operations. From April to June 1963, a pioneering survey (NORWESTLANT I-III) studied the drift of cod eggs and larvae and redfish larvae in relation to their environment in the northern part of the ICNAF area and in the Irminger Sea. The survey involved the coordinated efforts of 8 countries using 11 research vessels. Results are being prepared for publication in the ICNAF Special Publication series. The Commission also completed an international scientific symposium on the environment in relation to the major fish stocks in the North Atlantic at FAO, Rome, in early 1964. Results provided ideas for environmental studies to distinguish between the effects of the environment and effects of fishing on changes in the fish stocks.

In addition to using regulation by mesh size as a conservation measure, the Commission has adopted exemption measures for the protection of the regulated species (cod and haddock) taken in areas where there are substantial fisheries using small mesh nets for non-regulated species. The Commission also unanimously agreed to recommend to contracting governments that a system of international enforcement of Commission regulations be set up to eliminate the variability of standards possible under a system of national enforcement. And lastly, as a result of unanimous agreement in the Commission, the study and recommendation of conservation measures in the declining international fishery for harp and hood seals in the Northwest Atlantic will shortly become an ICNAF responsibility.

The outlook for the future is based on the Commission's concern for the rapidly increasing fishing activity in the Convention Area by the 13 member countries and at least 2 non-member countries on present and new stocks and species of fish. Commission scientists have warned of the consequences and expansion must now give way to rational and controlled exploitation. Regulation of mesh size, although a good conservation measure, has been shown as not completely adequate in controlling exploitation and has raised serious enforcement and practical fishing problems. Additional conservation measures will be sought and problems of early implementation and enforce-

ment will be considered in the immediate future. The Commission will continue to cooperate and exchange ideas with ICES, NEAFC and FAO with the aim of establishing common benefits for countries fishing in the whole of the North Atlantic. Commission scientists will continue to collect data on the fisheries and to develop new ideas and techniques which will allow them to advise the Commissioners, impartially and objectively, on the effects of fishing and of proposed regulative measures on the stocks and catches. The Commission will continue to look forward to international cooperation and goodwill to the end that all member countries may benefit from the fisheries in the Northwest Atlantic.

NOTE.—

ICNAF=International Commission for Northwest Atlantic Commission.

ICES=International Council for Exploration of the Sea.

NEAFC=Northeast Atlantic Fisheries Commission.

FAO=Food and Agriculture Organization.

- (5) Convention for the establishment of an Inter-American Tropical Tuna Commission with exchange of notes of March 3, 1950.
Signed at Washington May 31, 1949; entered into force for
The United States March, 3, 1950.
1 UST 230; TIAS 2044; 80 UNTS 3.

States which are parties:

Costa Rica
Ecuador
Panama
United States
Mexico

FISHERIES

(Now Multilateral)*

Establishment of an Inter-American Tropical Tuna Commission— Convention Between the United States of America and Costa Rica

Signed at Washington May 31, 1949.

*Ratification advised by the Senate of the United States of America
August 17, 1949.*

*Ratified by the President of the United States of America September
1, 1949.*

Ratified by Costa Rica December 23, 1949.

Ratifications exchanged at Washington March 3, 1950.

*Proclaimed by the President of the United States of America March
23, 1950.*

Entered into force March 3, 1950.

And Exchange of Notes

Signed at Washington March 3, 1950.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention between the United States of America and the Republic of Costa Rica for the establishment of an inter-American tropical tuna commission was signed by the duly authorized plenipotentiaries of the two countries at Washington on May 31, 1949, the original of which convention, in the English . . . languages, is word for word as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COSTA RICA FOR THE ESTABLISHMENT OF AN INTER- AMERICAN TROPICAL TUNA COMMISSION

The United States of America and the Republic of Costa Rica considering their mutual interest in maintaining the populations of yellowfin and skipjack tuna and of other kinds of fish taken by tuna fishing vessels in the eastern Pacific Ocean which by reason of continued use have come to be of common concern, and desiring to cooperate in the gathering and interpretation of factual information to

*Mexico became party to the Inter-American Tropical Tuna Convention effective February 29, 1964. Ecuador and Panama had also become parties since the first entry into force of the Convention.

facilitate maintaining the populations of these fishes at a level which will permit maximum sustained catches year after year, have agreed to conclude a Convention for these purposes and to that end have named as their Plenipotentiaries:

The President of the United States of America:

James E. Webb, Acting Secretary of State

Wilbert M. Chapman, Special Assistant to the Under Secretary of State

The President of the Government of Costa Rica:

Mario A. Esquivel, Ambassador Extraordinary and Plenipotentiary of Costa Rica.

Jorge Hazera, Counselor of the Embassy of Costa Rica who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I

1. The High Contracting Parties agree to establish and operate a joint Commission, to be known as the Inter-American Tropical Tuna Commission, hereinafter referred to as the Commission, which shall carry out the objectives of this Convention. The Commission shall be composed of national sections, each consisting of from one to four members, appointed by the Governments of the respective High Contracting Parties.

2. The Commission shall submit annually to the Government of each High Contracting Party a report on its investigations and findings, with appropriate recommendations, and shall also inform such Governments, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

3. Each High Contracting Party shall determine and pay the expenses incurred by its section. Joint expenses incurred by the Commission shall be paid by the High Contracting Parties through contributions in the form and proportion recommended by the Commission and approved by the High Contracting Parties. The proportion of joint expenses to be paid by each High Contracting Party shall be related to the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party.

4. Both the general annual program of activities and the budget of joint expenses shall be recommended by the Commission and submitted for approval to the High Contracting Parties.

5. The Commission shall decide on the most convenient place or places for its headquarters.

6. The Commission shall meet at least once each year, and at such other times as may be requested by a national section. The date and place of the first meeting shall be determined by agreement between the High Contracting Parties.

7. At its first meeting the Commission shall select a chairman and a secretary from different national sections. The chairman and the secretary shall hold office for a period of one year. During succeeding years, selection of the chairman and the secretary from the national sections shall be in such a manner that the chairman and the secretary will be of different nationalities, and as will provide each High Contracting Party, in turn, with an opportunity to be represented in those offices.

8. Each national section shall have one vote. Decisions, resolutions, recommendations, and publications of the Commission shall be made only by a unanimous vote.

9. The Commission shall be entitled to adopt and to amend subsequently, as occasion may require, by-laws or rules for the conduct of its meetings.

10. The Commission shall be entitled to employ necessary personnel for the performance of its functions and duties.

11. Each High Contracting Party shall be entitled to establish an Advisory Committee for its section, to be composed of persons who shall be well informed concerning tuna fishery problems of common concern. Each such Advisory Committee shall be invited to attend the non-executive sessions of the Commission.

12. The Commission may hold public hearings. Each national section also may hold public hearings within its own country.

13. The Commission shall designate a Director of Investigations who shall be technically competent and who shall be responsible to the Commission and may be freely removed by it. Subject to the instruction of the Commission and with its approval, the Director of Investigations shall have charge of:

(a) the drafting of programs of investigations, and the preparation of budget estimates for the Commission;

(b) authorizing the disbursement of the funds for the joint expenses of the Commission;

(c) the accounting of the funds for the joint expenses of the Commission;

(d) the appointment and immediate direction of technical and other personnel required for the functions of the Commission;

(e) arrangements for the cooperation with other organizations or individuals in accordance with paragraph 16 of this Article;

(f) the coordination of the work of the Commission with that of organizations and individuals whose cooperation has been arranged for;

(g) the drafting of administrative, scientific and other reports for the Commission;

(h) the performance of such other duties as the Commission may require.

14. The official languages of the Commission shall be English and Spanish, and members of the Commission may use either language during meetings. When requested, translation shall be made to the other language. The minutes, official documents, and publications of the Commission shall be in both languages, but official correspondence of the Commission may be written, at the discretion of the secretary, in either language.

15. Each national section shall be entitled to obtain certified copies of any documents pertaining to the Commission except that the Commission will adopt and may amend subsequently rules to ensure the confidential character of records of statistics of individual catches and individual company operations.

16. In the performance of its duties and functions the Commission may request the technical and scientific services of, and information from, official agencies of the High Contracting Parties, and any international, public, or private institution or organization, or any private individual.

ARTICLE II

The Commission shall perform the following functions and duties:

1. Make investigations concerning the abundance, biology, biometry, and ecology of yellowfin (*Neothunnus*) and skipjack (*Katsuwonus*) tuna in the waters of the eastern Pacific Ocean fished by the nationals of the High Contracting Parties, and the kinds of fishes commonly used as bait in the tuna fisheries, especially the anchovetta, and of other kinds of fish taken by tuna fishing vessels; and the effects of natural factors and human activities on the abundance of the populations of fishes supporting all these fisheries.

2. Collect and analyze information relating to current and past conditions and trends of the populations of fishes covered by this Convention.

3. Study and appraise information concerning methods and procedures for maintaining and increasing the populations of fishes covered by this Convention.

4. Conduct such fishing and other activities, on the high seas and in waters which are under the jurisdiction of the High Contracting Parties, as may be necessary to attain the ends referred to in subparagraphs 1, 2, and 3 of this Article.

5. Recommend from time to time, on the basis of scientific investigations, proposals for joint action by the High Contracting Parties designed to keep the populations of fishes covered by this Convention at those levels of abundance which will permit the maximum sustained catch.

6. Collect statistics and all kinds of reports concerning catches and the operations of fishing boats, and other information concerning the fishing for fishes covered by this Convention, from vessels or persons engaged in these fisheries.

7. Publish or otherwise disseminate reports relative to the results of its findings and such other reports as fall within the scope of this Convention, as well as scientific, statistical, and other data relating to the fisheries maintained by the nationals of the High Contracting Parties for the fishes covered by this Convention.

ARTICLE III

The High Contracting Parties agree to enact such legislation as may be necessary to carry out the purposes of this Convention.

ARTICLE IV

Nothing in this Convention shall be construed to modify any existing treaty or convention with regard to the fisheries of the eastern Pacific Ocean previously concluded by a High Contracting Party, nor to preclude a High Contracting Party from entering into treaties or conventions with other States regarding these fisheries, the terms of which are not incompatible with the present Convention.

ARTICLE V

1. The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. The present Convention shall enter into force on the date of exchange of ratifications.¹

3. Any government, whose nationals participate in the fisheries covered by this Convention, desiring to adhere to the present Convention, shall address a communication to that effect to each of the High Contracting Parties. Upon receiving the unanimous consent of the High Contracting Parties to adherence, such government shall deposit with the Government of the United States of America an instrument of adherence which shall stipulate the effective date thereof. The Government of the United States of America shall furnish a certified copy of the Convention to each government desiring to adhere thereto. Each adhering government shall have all the rights and obligations under the Convention as if it had been an original signatory thereof.

4. At any time after the expiration of ten years from the date of entry into force of this Convention any High Contracting Party may give notice of its intention of denouncing the Convention. Such notification shall become effective with respect to such notifying government one year after its receipt by the Government of the United States of America. After the expiration of the said one year period the Convention shall be effective only with respect to the remaining High Contracting Parties.

5. The Government of the United States of America shall inform the other High Contracting Parties of all instruments of adherence and of notification of denunciation received.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention.

DONE at Washington, in duplicate, in the English and Spanish languages, both texts being equally authentic, this 31st day of May, 1949.

* * * * *

WHEREAS the Senate of the United States of America, by their resolution of August 17, 1949, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was duly ratified by the President of the United States of America on September 1, 1949, in pursuance of the aforesaid advice and consent of the Senate, and was duly ratified on the part of the Republic of Costa Rica;

WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Washington on March 3, 1950;

AND WHEREAS it is provided in Article V of the said convention that the convention shall enter into force on the date of exchange of ratifications;

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and each and every

¹ Mar. 3, 1950, *post*, p. 13.

article and clause thereof may be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunder set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-third day of March in the year of our Lord one thousand nine hundred fifty [SEAL] and of the Independence of the United States of America the one hundred seventy-fourth.

HARRY S TRUMAN

By the President:

DEAN ACHESON

Secretary of State

Translation

EMBASSY OF COSTA RICA
WASHINGTON
No. 1579

MARCH 3, 1950.

EXCELLENCY:

I have the honor to refer to the Convention between the Republic of Costa Rica and the United States of America for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, D. C., on May 31, 1949, which entered into force this day, and to inform Your Excellency of the desire of my Government to place on record the understanding of our two Governments with respect to the manner in which certain provisions of that Convention shall be applied. Accordingly, I take pleasure in informing you that, without prejudice to the provisions and purposes of the Convention under reference, the understanding of my Government in regard to this matter is that which I set forth to you as follows.

With respect to Article I, paragraph 3, of the Convention, which establishes the proportion of joint expenses to be paid by each High Contracting Party, it is understood that "the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party" shall be the part of the total catch which is used for domestic consumption in the territory of that High Contracting Party or is the object of commercial transactions the financial benefits of which accrue entirely or in their major portion to individuals or firms whose proprietors or stockholders are domiciled in the territory of that High Contracting Party.

With respect to Article II, paragraph 4, of the Convention, it is understood that the Inter-American Tropical Tuna Commission is authorized to engage in fishing and other activities for scientific research exclusively and that no commercial ventures by the Commission are contemplated.

It is further understood that, notwithstanding the specific powers conferred upon the Commission, nothing in the Convention shall be interpreted as a relinquishment of or a limitation upon the sovereignty of a High Contracting Party over waters under its jurisdiction.

My Government also desires to state that it recognizes as the authentic Spanish text of the Convention that contained in the Con-

vention as signed, but at the same time recognizes that certain of its provisions might have been worded more clearly in the following form:

Article I, paragraph 1.

"The High Contracting Parties agree to establish and maintain a Joint Commission to be known as the Inter-American Tropical Tuna Commission, which will hereinafter be called the Commission, which shall carry into effect the objectives of this Convention. The Commission shall be made up of national sections, each of which shall include from one to four members appointed by the Governments of the respective High Contracting Parties."

Article I, paragraph 3.

"Each of the High Contracting Parties shall determine and pay the expenses incurred by its respective section. The joint expenses incurred by the Commission shall be covered by the High Contracting Parties through contributions in such form and proportion as the Commission may recommend and the High Contracting Parties may approve. The proportion of the joint expenses to be paid by each of the High Contracting Parties shall be in relation to the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party."

Article I, paragraph 8.

"Each national section shall have the right to one vote. The decisions, resolutions, recommendations and publications of the Commission must be approved by a unanimous vote."

Article IV.

"Nothing in the Convention shall be interpreted as changing any existing treaty or convention relating to the fisheries of the Eastern Pacific previously signed by one of the High Contracting Parties, nor as preventing a High Contracting Party from entering into treaties or conventions with other States relating to such fisheries, provided their terms are not incompatible with this Convention."

I avail myself of this opportunity to express to Your Excellency my highest consideration.

MARIO ECHANDI

His Excellency
DEAN ACHESON,
Secretary of State,
Washington, D. C.

The Secretary of State to the Costa Rican Appointed Ambassador

DEPARTMENT OF STATE
WASHINGTON
March 3, 1950

EXCELLENCY:

I have the honor to refer to your note No. 1579 of March 3, 1950 regarding the Convention between the United States of America and the Republic of Costa Rica for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949,

which entered into force this day, and the desire of your Government to place on record the understanding of our Governments with respect to the manner in which certain provisions of that Convention shall be applied. Accordingly, I take pleasure in informing you that, without prejudice to the provisions or purposes of the Convention under reference, my Government concurs in the understanding set forth in your note as follows:

With respect to Article I, paragraph 3, of the Convention, which establishes the proportion of joint expenses to be paid by each High Contracting Party, it is understood that "the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party" shall be the part of the total catch which is used for domestic consumption in the territory of that High Contracting Party or is the object of commercial transactions the financial benefits of which accrue entirely or in their major portion to individuals or firms whose proprietors or stockholders are domiciled in the territory of that High Contracting Party.

With respect to Article II, subparagraph 4, of the Convention, it is understood that the Inter-American Tropical Tuna Commission is authorized to engage in fishing and other activities for scientific research exclusively and that no commercial ventures by the Commission are contemplated.

It is further understood that, notwithstanding the specific powers conferred upon the Commission, nothing in the Convention shall be interpreted as a relinquishment of or a limitation upon the sovereignty of a High Contracting Party over waters under its jurisdiction.

My Government has also taken note of your statement that certain provisions of the Spanish text might have been more clearly expressed but that your Government recognizes that the authentic Spanish text of the Convention is that contained in the Convention as signed.

Accept, Excellency, the renewed assurances of my highest consideration.

DEAN ACHESON

His Excellency

Señor DON MARIO ECHIANDI,

Appointed Ambassador of Costa Rica.

INTER-AMERICAN TROPICAL TUNA COMMISSION

INTER-AMERICAN TROPICAL TUNA COMMISSION

The Inter-American Tropical Tuna Commission was established by a Convention between the United States of America and the Republic of Costa Rica in 1950, with the aim of elucidating the relationships between the population of yellowfin and skipjack tuna and of other kinds of fish taken by tuna fishing vessels in the Eastern Pacific Ocean and the effect which the fishery has upon them. The Convention, among other things, provided that (Art. V, 3) "Any government whose nationals participate in the fisheries covered by this Convention * * * upon receiving the unanimous consent of the High Contracting Parties * * *" could adhere. Under this provision the Republic of Panama adhered in 1953, the Republic of Ecuador in 1961, and the United States of Mexico in 1964. Other countries fishing in the area are actively exploring the possibility of adherence.

The member countries contribute to the operation of the Commission in accordance with a formula included in the Convention which is based on the proportion of the total catch from the fisheries covered by the Convention and utilized by each of them.

The duties of the Commission under the Convention include:

(Art. II, 1) the conduct of "investigation concerning the abundance, biology, biometry, and ecology of yellowfin (*Neothunnus*) and skipjack (*Katsuwonus*) tuna in the waters of the Eastern Pacific Ocean * * * and the kinds of fishes commonly used as bait in the tuna fisheries * * * and of other kinds of fish taken by tuna fishing vessels; and the effects of natural factors and human activities on the abundance of the populations of fishes supporting all of these fisheries";

and also (Art. II, 5) to:

"Recommend from time to time, on the basis of scientific investigations, proposals for joint action by the High Contracting Parties designed to keep the population of fishes covered by this Convention at those levels of abundance which will permit the maximum sustained catch."

The Commission initiated research activities in 1951 under this mandate with a research staff operating under a Director of Investigations. The research director is employed by the Commission and is responsible directly to the Commission through its Chairman. To date scientific findings by the Commission staff covering the biology, population dynamics, and environmental oceanography of the various species have been reported upon in both Spanish and English, in 64 scientific bulletins, in the Commission's Bulletin series, and in some 75 scientific papers or articles in outside journals or periodicals.

These findings have both advanced new theoretical principles in fisheries science and have made new and basic contributions to the knowledge of these species and the oceans in which they live. The findings and publications are added to constantly, and are given world-wide distribution to scientific libraries, scientific workers, and appropriate government officers.

As the result of several technical developments and the expansion of the market, the catch of yellowfin tuna expanded rapidly and in 1960 and 1961 reached 238,000,000 and 240,000,000 pounds respectively. Meanwhile, the studies of the dynamics of the tuna stocks, including growth rates, natural mortality, and fishing mortality, indicated that the maximum sustainable yield from the eastern Tropical Pacific yellowfin stock was approximately 183,000,000 pounds annually. The 1960 and 1961 catches therefore caused overfishing, which reduced the stock and the sustainable catches which this stock would support.

The Commission, therefore, after careful examination of the data in 1962 recommended limitations on fishing, which would prevent further overfishing and would serve to restore the tuna stock and the fishery to the most productive levels. For these limitations to be effective it is essential that all countries whose nationals fish for yellowfin tuna on a substantial scale cooperate in the conservation program. In 1962 and 1963 all such countries were not prepared to do so; consequently, the conservation program for yellowfin tuna was not implemented in those years. Assuming the efforts in 1964 and later years are successful, the stock of highly prized yellowfin tuna should be restored in a few years to its most productive level, where with enlightened management it can be held.

During past years the Tuna Commission's attention has been directed to a large extent to the problem of yellowfin tuna, since this species was the only one under intensive exploitation. However, the situation has dramatically changed in recent years.

In 1963 20 million cases of canned tuna, costing the consumer 250 million dollars, were eaten in the United States. Demand for this highly nourishing food has doubled each decade for the last 40 years. This trend and rate continue. Similar increases in demand are developing in other countries. Since the stocks of yellowfin in the Eastern Pacific are already fully utilized, new sources of tuna must be found to meet the increasing demand. This points to other species such as skipjack and bigeye which are not yet fully exploited.

The Tuna Commission, supported by all its Member countries in proportion to their stake in the fishery, plans to monitor and to refine its knowledge and to recommend management measures to maintain the known stocks of yellowfin at their most productive levels.

- (6) International convention for the high seas fisheries of the North Pacific Ocean, with annex and protocol.
Signed at Tokyo May 9, 1952; entered into force for the United States June 12, 1953.
4 UST 380; TIAS 2786; 205 UNTS 65.

States which are parties:

Canada

Japan

United States

HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN

Convention, with Annex and Protocol, between the United States of America, Canada, and Japan

Signed at Tokyo May 9, 1952;

Ratification advised by the Senate of the United States of America July 4, 1952;

Ratified by the President of the United States of America July 30, 1952;

Ratified by Canada and Japan May 15 and June 9, 1953, respectively;

Ratifications exchanged at Tokyo June 12, 1953;

Proclaimed by the President of the United States of America July 30, 1953;

Entered into force June 12, 1953.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the international convention for the high seas fisheries of the North Pacific Ocean, together with a protocol relating thereto, was signed at Tokyo on May 9, 1952 by representatives of the United States of America, Canada, and Japan;

WHEREAS the originals of the said convention and protocol, in the English * * * languages, are word for word as follows:

INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN

The Governments of the United States of America, Canada and Japan, whose respective duly accredited representatives have subscribed hereto,

Acting as sovereign nations in the light of their rights under the principles of international law and custom to exploit the fishery resources of the high seas, and

Believing that it will best serve the common interest of mankind, as well as the interests of the Contracting Parties, to ensure the maximum sustained productivity of the fishery resources of the North Pacific Ocean, and that each of the Parties should assume an obligation, on a free and equal footing, to encourage the conservation of such resources, and

Recognizing that in view of these considerations it is highly desirable (1) to establish an International Commission, representing the

three Parties hereto, to promote and coordinate the scientific studies necessary to ascertain the conservation measures required to secure the maximum sustained productivity of fisheries of joint interest to the Contracting Parties and to recommend such measures to such Parties and (2) that each Party carry out such conservation recommendations, and provide for necessary restraints on its own nationals and fishing vessels.

Therefore agree as follows:

ARTICLE I

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, other than territorial waters, of the North Pacific Ocean which for the purposes hereof shall include the adjacent seas.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Party in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. For the purposes of this Convention the term "fishing vessel" shall mean any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

ARTICLE II

1. In order to realize the objectives of this Convention, the Contracting Parties shall establish and maintain the International North Pacific Fisheries Commission, hereinafter referred to as "the Commission."

2. The Commission shall be composed of three national sections, each consisting of not more than four members appointed by the governments of the respective Contracting Parties.

3. Each national section shall have one vote. All resolutions, recommendations and other decisions of the Commission shall be made only by a unanimous vote of the three national sections except when under the provisions of Article III, Section 1(c)(ii) only two participate.

4. The Commission may decide upon and amend, as occasion may require, by-laws or rules for the conduct of its meetings.

5. The Commission shall meet at least once each year and at such other times as may be requested by a majority of the national sections. The date and place of the first meeting shall be determined by agreement between the Contracting Parties.

6. At its first meeting the Commission shall select a Chairman, Vice-Chairman and Secretary from different national sections. The Chairman, Vice-Chairman and Secretary shall hold office for a period of one year. During succeeding years selection of a Chairman, Vice-Chairman and Secretary from the national sections shall be made in such a manner as will provide each Contracting Party in turn with representation in those offices.

7. The Commission shall decide on a convenient place for the establishment of the Commission's headquarters.

8. Each Contracting Party may establish an Advisory Committee for its national section, to be composed of persons who shall be well informed concerning North Pacific fishery problems of common concern. Each such Advisory Committee shall be invited to attend all sessions of the Commission except those which the Commission decides to be *in camera*.

9. The Commission may hold public hearings. Each national section may also hold public hearings within its own country.

10. The official languages of the Commission shall be Japanese and English. Proposals and data may be submitted to the Commission in either language.

11. Each Contracting Party shall determine and pay the expenses incurred by its national section. Joint expenses incurred by the Commission shall be paid by the Commission through contributions made by the Contracting Parties in the form and proportion recommended by the Commission and approved by the Contracting Parties.

12. An annual budget of joint expenses shall be recommended by the Commission and submitted to the Contracting Parties for approval.

13. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its functions.

ARTICLE III

1. The Commission shall perform the following functions:

(a) In regard to any stock of fish specified in the Annex, study for the purpose of determining annually whether such stock continues to qualify for abstention under the provisions of Article IV. If the Commission determines that such stock no longer meets the conditions of Article IV, the Commission shall recommend that it be removed from the Annex. Provided, however, that with respect to the stocks of fish originally specified in the Annex, no determination or recommendation as to whether such stock continues to qualify for abstention shall be made for five years after the entry into force of this Convention.

(b) To permit later additions to the Annex, study, on request of a Contracting Party, any stock of fish of the Convention area, the greater part of which is harvested by one or more of the Contracting Parties, for the purpose of determining whether such stock qualifies for abstention under the provisions of Article IV. If the Commission decides that the particular stock fulfills the conditions of Article IV it shall recommend, (1) that such stock be added to the Annex, (2) that the appropriate Party or Parties abstain from fishing such stock and (3) that the Party or Parties participating in the fishing of such stock continue to carry out necessary conservation measures.

(c) In regard to any stock of fish in the Convention area;

(i) Study, on request of any Contracting Party concerned, any stock of fish which is under substantial exploitation by two or more of the Contracting Parties, and which is not covered by a conservation agreement between such Parties existing at the time of the conclusion of this Convention, for

the purpose of determining need for joint conservation measures;

(ii) Decide and recommend necessary joint conservation measures including any relaxation thereof to be taken as a result of such study. Provided, however, that only the national sections of the Contracting Parties engaged in substantial exploitation of such stock of fish may participate in such decision and recommendation. The decisions and recommendations shall be reported regularly to all the Contracting Parties, but shall apply only to the Contracting Parties the national sections of which participated in the decisions and recommendations.

(iii) Request the Contracting Party or Parties concerned to report regularly the conservation measures adopted from time to time with regard to the stocks of fish specified in the Annex whether or not covered by conservation agreements between the Contracting Parties, and transmit such information to the other Contracting Party or Parties.

(d) Consider and make recommendations to the Contracting Parties concerning the enactment of schedules of equivalent penalties for violations of this Convention.

(e) Compile and study the records provided by the Contracting Parties pursuant to Article VIII.

(f) Submit annually to each Contracting Party a report on the Commission's operations, investigations and findings, with appropriate recommendations, and inform each Contracting Party, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

2. The Commission may take such steps, in agreement with the Parties concerned, as will enable it to determine the extent to which the undertakings agreed to by the Parties under the provisions of Article V, Section 2 and the measures recommended by the Commission under the provisions of this Article and accepted by the Parties concerned have been effective.

3. In the performance of its functions, the Commission shall, insofar as feasible, utilize the technical and scientific services of, and information from, official agencies of the Contracting Parties and their political sub-divisions and may, when desirable and if available, utilize the services of, and information from, any public or private institution or organization or any private individual.

ARTICLE IV

1. In making its recommendations the Commission shall be guided by the spirit and intent of this Convention and by the considerations below mentioned.

(a) Any conservation measures for any stock of fish decided upon under the provisions of this Convention shall be recommended for equal application to all Parties engaged in substantial exploitation of such stock.

(b) With regard to any stock of fish which the Commission determines reasonably satisfies all the following conditions, a recommendation shall be made as provided for in Article III, Section 1, (b).

(i) Evidence based upon scientific research indicates that more intensive exploitation of the stock will not provide a substantial increase in yield which can be sustained year after year.

(ii) The exploitation of the stock is limited or otherwise regulated through legal measures by each Party which is substantially engaged in its exploitation, for the purpose of maintaining or increasing its maximum sustained productivity; such limitations and regulations being in accordance with conservation programs based upon scientific research, and

(iii) The stock is the subject of extensive scientific study designed to discover whether the stock is being fully utilized and the conditions necessary for maintaining its maximum sustained productivity.

Provided, however, that no recommendation shall be made for abstention by a Contracting Party concerned with regard to: (1) any stock of fish which at any time during the twenty-five years next preceding the entry into force of this Convention has been under substantial exploitation by that Party having regard to the conditions referred to in Section 2 of this Article; (2) any stock of fish which is harvested in greater part by a country or countries not party to this Convention; (3) waters in which there is historic intermingling of fishing operations of the Parties concerned, intermingling of the stocks of fish exploited by these operations, and a long-established history of joint conservation and regulation among the Parties concerned so that there is consequent impracticability of segregating the operations and administering control. It is recognized that the conditions specified in subdivision (3) of this proviso apply to Canada and the United States of America in the waters off the Pacific Coasts of the United States of America and Canada from and including the waters of the Gulf of Alaska southward and, therefore, no recommendation shall be made for abstention by either the United States of America or Canada in such waters.

2. In any decision or recommendation allowances shall be made for the effect of strikes, wars, or exceptional economic or biological conditions which may have introduced temporary declines in or suspension of productivity, exploitation, or management of the stock of fish concerned.

ARTICLE V

1. The Annex attached hereto forms an integral part of this Convention. All references to "Convention" shall be understood as including the said Annex either in its present terms or as amended in accordance with the provisions of Article VII.

2. The Contracting Parties recognize that any stock of fish originally specified in the Annex to this Convention fulfills the conditions prescribed in Article IV and accordingly agree that the appropriate Party or Parties shall abstain from fishing such stock and the Party or Parties participating in the fishing of such stock shall continue to carry out necessary conservation measures.

ARTICLE VI

In the event that it shall come to the attention of any of the Contracting Parties that the nationals or fishing vessels of any country which is not a Party to this Convention appear to affect adversely the operations of the Commission or the carrying out of the objectives of this Convention, such Party shall call the matter to the attention of other Contracting Parties. All the Contracting Parties agree upon the request of such Party to confer upon the steps to be taken towards obviating such adverse effects or relieving any Contracting Party from such adverse effects.

ARTICLE VII

1. The Annex to this Convention shall be considered amended from the date upon which the Commission receives notification from all the Contracting Parties of acceptance of a recommendation to amend the Annex made by the Commission in accordance with the provisions of Article III, Section 1 or of the Protocol to this Convention.

2. The Commission shall notify all the Contracting Parties of the date of receipt of each notification of acceptance of an amendment to the Annex.

ARTICLE VIII

The Contracting Parties agree to keep as far as practicable all records requested by the Commission and to furnish compilations of such records and other information upon request of the Commission. No Contracting Party shall be required hereunder to provide the records of individual operations.

ARTICLE IX

1. The Contracting Parties agree as follows:

(a) With regard to a stock of fish from the exploitation of which any Contracting Party has agreed to abstain, the nationals and fishing vessels of such Contracting Party are prohibited from engaging in the exploitation of such stock of fish in waters specified in the Annex, and from loading, processing, possessing, or transporting such fish in such waters.

(b) With regard to a stock of fish for which a Contracting Party has agreed to continue to carry out conservation measures, the nationals and fishing vessels of such Party are prohibited from engaging in fishing activities in waters specified in the Annex in violation of regulations established under such conservation measures.

2. Each Contracting Party agreed, for the purpose of rendering effective the provisions of this Convention, to enact and enforce necessary laws and regulations, with regard to its nationals and fishing vessels, with appropriate penalties against violations thereof and to transmit to the Commission a report on any action taken by it with regard thereto.

ARTICLE X

1. The Contracting Parties agree, in order to carry out faithfully the provisions of this Convention, to cooperate with each other in taking appropriate and effective measures and accordingly agree as follows:

(a) When a fishing vessel of a Contracting Party has been found in waters in which that Party has agreed to abstain from exploitation in accordance with the provisions of this Convention, the duly authorized officials of any Contracting Party may board such vessel to inspect its equipment, books, documents, and other articles and question the persons on board.

Such officials shall present credentials issued by their respective Government if requested by the master of the vessel.

(b) When any such person or fishing vessel is actually engaged in operations in violation of the provisions of this Convention, or there is reasonable ground to believe was obviously so engaged immediately prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel. In that case, the Contracting Party to which the official belongs shall notify the Contracting Party to which such person or vessel belongs of such arrest or seizure, and shall deliver such vessel or persons as promptly as practicable to the authorized officials of the Contracting Party to which such vessel or person belongs at a place to be agreed upon by both Parties. Provided, however, that when the Contracting Party which receives such notification cannot immediately accept delivery and makes request, the Contracting Party which gives such notification may keep such person or vessel under surveillance within its own territory, under the conditions agreed upon by both of the Contracting Parties.

(c) Only the authorities of the Party to which the above-mentioned person or fishing vessel belongs may try the offense and impose penalties therefor. The witnesses and evidence necessary for establishing the offense, so far as they are under the control of any of the Parties to this Convention, shall be furnished as promptly as possible to the Contracting Party having jurisdiction to try the offense.

2. With regard to the nationals or fishing vessels of one or more Contracting Parties in waters with respect to which they have agreed to continue to carry out conservation measures for certain stocks of fish in accordance with the provisions of this Convention, the Contracting Parties concerned shall carry out enforcement severally or jointly. In that case, the Contracting Parties concerned agree to report periodically through the Commission to the Contracting Party which has agreed to abstain from the exploitation of such stocks of fish on the enforcement conditions, and also, if requested, to provide opportunity for observation of the conduct of enforcement.

3. The Contracting Parties agree to meet, during the sixth year of the operation of this Convention, to review the effectiveness of the enforcement provisions of this Article and, if desirable, to consider means by which they may more effectively be carried out.

ARTICLE XI

1. This Convention shall be ratified by the Contracting Parties in accordance with their respective constitutional processes and the instruments of ratification shall be exchanged as soon as possible at Tokyo.

2. This Convention shall enter into force on the date of the exchange of ratifications.^[1] It shall continue in force for a period of ten years and thereafter until one year from the day on which a Contracting Party shall give notice to the other Contracting Parties of an intention of terminating the Convention, whereupon it shall terminate as to all Contracting Parties.

IN WITNESS WHEREOF, the respective Plenipotentiaries, duly authorized, have signed the present Convention.

DONE in triplicate, in the English and Japanese languages, both equally authentic, at Tokyo this ninth day of May, one thousand nine hundred fifty-two.

ANNEX

1. With regard to the stocks of fish in the respective waters named below, Japan agrees to abstain from fishing, and Canada and the United States of America agree to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

(a) Halibut (*Hippoglossus stenolepis*)

The Convention area off the coasts of Canada and the United States of America in which commercial fishing for halibut is being or can be prosecuted. Halibut referred to herein shall be those originating along the coast of North America.

(b) Herring (*Clupea pallasii*)

The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of the meridian passing through the extremity of the Alaskan Peninsula, in which commercial fishing for herring of North America origin is being or can be prosecuted.

(c) Salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka*, *Oncorhynchus tshawytscha*)

The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of a provisional line following the meridian passing through the western extremity of Atka Island; in which commercial fishing for salmon originating in the rivers of Canada and the United States of America is being or can be prosecuted.

2. With regard to the stocks of fish in the waters named below, Canada and Japan agree to abstain from fishing, and the United States of America agrees to continue to carry out necessary con-

¹ June 12, 1953.

servation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

Salmon (*Oncorhynchus gorbusha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka* and *Oncorhynchus tshawytscha*)

The Convention area of the Bering Sea east of the line starting from Cape Prince of Wales on the west coast of Alaska, running westward to 168°58'22.59" West Longitude; thence due south to a point 65°15'00" North Latitude; thence along the great circle course which passes through 51° North Latitude and 167° East Longitude, to its intersection with meridian 175° West Longitude; thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island; in which commercial fishing for salmon originating in the rivers of the United States of America is being or can be prosecuted.

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN

The Governments of the United States of America, Canada and Japan, through their respective Plenipotentiaries, agree upon the following stipulation in regard to the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo on this ninth day of May, nineteen hundred fifty-two.

The Governments of the United States of America, Canada and Japan agree that the line of meridian 175° West Longitude and the line following the meridian passing through the western extremity of Atka Island, which have been adopted for determining the areas in which the exploitation of salmon is abstained or the conservation measures for salmon continue to be enforced in accordance with the provisions of the Annex to this Convention, shall be considered as provisional lines which shall continue in effect subject to confirmation or readjustment in accordance with the procedure mentioned below.

The Commission to be established under the Convention shall, as expeditiously as practicable, investigate the waters of the Convention area to determine if there are areas in which salmon originating in the rivers of Canada and of the United States of America intermingle with salmon originating in the rivers of Asia. If such areas are found the Commission shall conduct suitable studies to determine a line or lines which best divide salmon of Asiatic origin and salmon of Canadian and United States of America origin, from which certain Contracting Parties have agreed to abstain in accordance with the provisions of Article V, Section 2, and whether it can be shown beyond a reasonable doubt that this line or lines more equitably divide such salmon than the provisional lines specified in sections 1(c) and 2 of the Annex. In accordance with these determinations the Commission shall recommend that such provisional lines be confirmed or that they be changed in accordance with these results, giving due consideration to adjustments required to simplify administration.

In the event, however, the Commission fails within a reasonable period of time to recommend unanimously such line or lines, it is agreed that the matter shall be referred to a special committee of

scientists consisting of three competent and disinterested persons, no one of whom shall be a national of a Contracting Party, selected by mutual agreement of all Parties for the determination of this matter.

It is further agreed that when a determination has been made by a majority of such special committee, the Commission shall make a recommendation in accordance therewith.

The Governments of the United States of America, Canada and Japan, in signing this Protocol, desire to make it clear that the procedure set forth herein is designed to cover a special situation. It is not, therefore, to be considered a precedent for the final resolution of any matters which may, in the future, come before the Commission.

This Protocol shall become effective from the date of entry into force of the said Convention.²

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol.

DONE in triplicate at Tokyo this ninth day of May, one thousand nine hundred fifty-two.

WHEREAS the Senate of the United States of America, by their resolution of July 4, 1952, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention, together with the protocol relating thereto;

WHEREAS the said convention and protocol were ratified by the President of the United States of America on July 30, 1952, in pursuance of the aforesaid advice and consent of the Senate, and the said convention has been duly ratified on the part of Canada and Japan;

WHEREAS it is provided in Article XI of the said convention that the convention shall enter into force on the date of the exchange of ratifications, and it is provided in the said protocol that the protocol shall become effective from the date of entry into force of the said convention;

WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Tokyo on June 12, 1953;

AND WHEREAS, pursuant to the aforesaid provision of Article XI of the said convention and the aforesaid provision of the said protocol, the convention entered into force on June 12, 1953 and the protocol became effective on that same date;

Now, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said international convention for the high seas fisheries of the North Pacific Ocean and the said protocol relating thereto to the end that the same and each and every article and clause thereof may be observed and fulfilled with good faith, on and after June 12, 1953, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

² June 12, 1953.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this thirtieth day of July in the year of our Lord one thousand nine hundred fifty-three
[SEAL] and of the Independence of the United States of America the one hundred seventy-eighth.

DWIGHT D EISENHOWER

By the President:

JOHN FOSTER DULLES
Secretary of State

- (7) Amendment of paragraphs 1 (a) and (b) of the annex to the international convention for the high seas fisheries of the North Pacific Ocean of May 9, 1952.
Adopted at Seattle, November 17, 1962; entered into force for the United States May 8, 1963.
TIAS 5385; 14 UST 953.

HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN

Amendments to the Annex to the Convention of May 9, 1952, Between the United States of America, Canada, and Japan

(Multilateral)

Amendments to the Annex to the Convention of May 9, 1952.

Recommendations relating to halibut and to herring adopted at the Ninth Annual Meeting of the International North Pacific Fisheries Commission, at Seattle, November 17, 1962, and amended, with respect to herring, January 25, 1963;

Notifications of acceptance received by the Commission from Japan on February 26, 1963, from the United States of America on March 23, 1963, and from Canada on May 8, 1963;

Entered into Force May 8, 1963.

SECRETARIAT:
ROY I. JACKSON
Executive Director
HIROSHI KASAHARA
Assistant Director

OFFICES:
6640 NORTHWEST MARINE DRIVE
VANCOUVER 8, B.C.
Phone CAstle 4-0722
Cable Address:
"NORTHCOM"

International North Pacific Fisheries Commission

Established by Convention Between Canada, Japan and the United States for the Conservation of the Fisheries Resources of the North Pacific Ocean

JUNE 24, 1963.

The Honourable DEAN RUSK,
Secretary of State,
Washington 25, D.C.

DEAR SIR:

On November 17, 1962, at its Ninth Annual Meeting, at Seattle, the International North Pacific Fisheries Commission determined that the herring stocks off the west coast of the Queen Charlotte Islands and that the halibut stock of the eastern Bering Sea no longer meet the conditions of Article IV of the Convention [1] and adopted recommendations for the removal of such stocks of herring and halibut from the Annex to the International Convention for the High Seas Fisheries of the North Pacific Ocean.[1] It was subsequently noted that some ambiguity might arise from the language of the recommendation with respect to herring. Therefore, the Commission on January 25, 1963 formally amended that recommendation.

¹ TIAS 2786; 4 UST 885, 891.

The Commission, having transmitted the recommendations to the Contracting Parties for their consideration, has now received notifications of acceptance of the recommendation relating to halibut and the recommendations, as amended, relating to herring, as follows: from Japan on February 26, 1963, from the United States of America on March 23, 1963, and from Canada on May 8, 1963.

In accordance with the provisions of Article VII, paragraph 1, of the Convention, sections (a) and (b) of paragraph 1 of the Annex are considered amended from May 8, 1963 to read in the English language as follows:

“(a) Halibut (*Hippoglossus stenolepis*)

The Convention area off the coast of Canada and the United States of America, exclusive of the Bering Sea, in which commercial fishing for halibut is being or can be prosecuted. Halibut referred to herein shall be those originating along the coast of North America.

“(b) Herring (*Clupea pallasii*)

The Convention area off the coast of Canada in which commercial fishing for herring of Canadian origin is being or can be prosecuted, exclusively of the waters of the high seas north of 51°56' North Latitude and west of the Queen Charlotte Islands and west of a line drawn between Langara Point on Langara Island, Queen Charlotte Islands, and Cape Muzon on Dall Island in Southeast Alaska.”

Copies are attached to this letter of the amended section (a) in the Japanese language, which I transmitted with my letter of December 6, 1962,² and of the amended section (b) in the Japanese language, which I transmitted with my letter of January 25, 1963.²

With assurances of our highest esteem.

Yours very truly,

INTERNATIONAL NORTH PACIFIC
FISHERIES COMMISSION,
ROY I. JACKSON, *Executive Director*.

² Not printed.

JANUARY 1965.

STATEMENT BY U.S. SENATE COMMITTEE ON COMMERCE STAFF

INTERNATIONAL NORTH PACIFIC FISHERIES
COMMISSION

The International North Pacific Fisheries Commission was created on June 12, 1953, when the United States, Canada, and Japan exchanged their ratifications of the International Convention for the High Seas Fisheries of the North Pacific Ocean. The Convention confers upon the Commission responsibility for studying the condition of the stocks of salmon, halibut, herring, and other important fishery resources of the North Pacific and recommending to the Governments measures for ensuring the continued productivity of those resources. The Convention obliges Japan, and, to a lesser extent, Canada to refrain from exploiting certain stocks fished by the United States, provided that scientific research shows that those stocks are being fully utilized and effectively conserved. The Commission annually reviews the scientific evidence and determines whether the conditions of utilization and conservation of the stocks warrant opening them to exploitation by fishermen of nations other than those that have traditionally fished them.

This Commission has for the past eleven years served as a forum for the discussion of fishery problems of mutual concern, as a liaison center for the exchange of technical and scientific information, and a panel of experts for the review and coordination of national programs of research on high seas fishery resources. Within the Commission, representatives of the three nations have been able to present and discuss their national points of view on the condition, utilization, and proper conservation of the North Pacific salmon, halibut, king crab, and herring populations. The management of these valuable international resources has received the continuing attention of Commissioners who are fully conversant with the scientific, legal, and economic aspects of the fisheries.

Through the Commission, the fishery administrators and scientists of the United States, Canada, and Japan have maintained a steady interchange of scientific and technical data, catch statistics, and information on the conservation measures planned for the various stocks of fish and the fishing effort to be applied to their exploitation.

Because the Commission is required by the Convention which established it to base its determinations on sound scientific evidence, and because one of the Commission's primary areas of concern—the high seas life of the salmon—was almost completely unknown when the Convention was ratified, a great deal of new knowledge has resulted from the programs of research carried on by the various national agencies to meet the Commission's needs for information. A series of

major scientific publications has already resulted from this research, and American, Canadian, and Japanese scientists are engaged in the joint preparation of a report that will present for the first time a complete picture of the high seas distribution and life history of six species of Pacific salmon because accurate, complete statistics are the essential basis of fishery management, the Commission has annually published a compilation of detailed figures on the North Pacific catches of the three member countries.

Many important and difficult problems still await solution in the area of the Commission's responsibility. Ways must be found to better protect salmon stocks that are fully utilized by the coastal fisheries from the effects of fishing in high seas areas where they are mingled with other stocks of salmon. Methods must be worked out for preserving the long-established and valuable American and Canadian halibut fisheries while allowing rational exploitation of the vast resources of other bottom fishes that live in the same areas of the North Pacific. Conservation measures must be coordinated for certain jointly exploited resources, and the same need for a joint conservation effort may arise in the case of herring stocks of the North American coast. The Commission has built a solid basis of experience and scientific knowledge upon which to proceed to the solution of these problems with a maximum of understanding and a minimum of international friction. As continuing research fills in the details of the distribution and movements of major fishery resources of the North Pacific, the Commission will be enabled to discharge more effectively its responsibility to ensure that those resources contribute their full potential to the welfare of the peoples of the region.

This treaty was negotiated in 1953, and one of its purposes was to separate—as nearly as possible—the North American salmon stock from the Asian salmon stock. It was obvious to the signator nations that with the imperfect methods then available the best determination could not be made on a precise line. Therefore, the line which was agreed upon at that time was called a “provisional” line and the treaty contained provisions for scientific research and for moving the “provisional” line, upon subsequent disclosure of scientific evidence that it was improperly located.

Subsequent biological studies have revealed that North American salmon, particularly the red salmon from Bristol Bay, range further to the west than the “provisional” line of 175° west longitude. Substantial numbers migrate out as far as 175° east longitude, and thereby are subjected to unwarranted harvest by the Japanese fishing fleet.

During the last 9 years it is believed that the Japanese have taken more than 27 million salmon of Bristol Bay origin.

Now in 1965 the United States is asking that the “provisional” line be moved far enough west of its present location to assure the protection of salmon spawned in North American lakes and streams.

If the line is not moved and the intensive high seas fishery of the Japanese continues, the very existence of these salmon runs is threatened.



D. MARITIME MATTERS

- (1) International convention for the prevention of pollution of the sea by oil, with annexes.
Done at London May 12, 1954; entered into force for the United States December 8, 1961, with an understanding, reservations, and a recommendation.
12 UST 2989; TIAS 4900.
- (2) Convention on the high seas.*
Done at Geneva April 29, 1958; entered into force for the United States September 30, 1962.
13 UST 2312; TIAS 5200.
- (3) Convention on the continental shelf.*
Done at Geneva April 29, 1958; entered into force for the United States June 10, 1964.
TIAS 5578; 15 UST 471.
- (4) Convention on the Territorial Sea and contiguous zone.*
Done at Geneva April 29, 1958; entered into force for the United States September 10, 1964.
TIAS 5639.

*This Convention is one of four Conventions on the Law of the Sea and an Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes; which agreements were formulated at the United Nations Conference on the Law of the Sea, held at Geneva from February 24 to April 27, 1958; were dated at Geneva on April 29, 1958, and were signed on behalf of the United States of America on September 15, 1958, and on behalf of a number of other States.

The four Conventions on the Law of the Sea (published as 86th Congress, 1st session, Senate Executives J to N inclusive) were: A Convention on the Territorial Sea and Contiguous Zone (Executive J, 86th Congress, 1st Session) (see p. 127); A Convention on the High Seas (Executive K, 86th Congress, 1st Session) (see p. 110); A Convention on Fishing and Conservation of the Living Resources of the High Seas (Executive L, 86th Congress, 1st Session) (see p. 380); and A Convention on the Continental Shelf (Executive M, 86th Congress, 1st Session) (see p. 120); and an Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes (Executive N, 86th Congress, 1st Session) (see p. 387).

Only three of these Conventions have come into force: The Convention on the High Seas (TIAS 5200); The Convention on the Continental Shelf (TIAS 5578); and the Convention on the Territorial Sea and Contiguous Zone (TIAS 5639).

The Convention on Fishing and Conservation of the Living Resources of the High Seas appears in the Annex (at p. 380).

- (1) International convention for the prevention of pollution of the sea by oil, with annexes.

Done at London May 12, 1954; entered into force for the United States December 8, 1961, with an understanding, reservations, and a recommendation.

12 UST 2989; TIAS 4900.

States which are parties :

Algeria	Kuwait
Australia	Liberia ¹
Belgium	Mexico
Canada	Netherlands, including
Denmark	- Netherlands Antilles
Dominican Republic	Norway
Finland	Panama
France	Philippines
Germany, Fed. Rep. ²	Spain
Ghana	Sweden
Iceland	United Arab Republic
Ireland	United Kingdom
Italy	United States ³
Jordan	Venezuela

¹ With reservations.

² Including Land Berlin.

³ With an understanding, reservations, and a recommendation.

**INTERNATIONAL CONVENTION FOR THE PREVENTION
OF POLLUTION OF THE SEA BY OIL, 1954, BETWEEN
THE UNITED STATES OF AMERICA AND OTHER GOV-
ERNMENTS**

Opened for signature at London May 12, 1954;

Acceptance by the United States of America;

*Deposited with the Intergovernmental Maritime Consultative Orga-
nization;*

*Subject to an understanding, reservations, and a recommendation,
September 8, 1961.*

(Multilateral)

Opened for signature at London May 12, 1954;

*Ratification advised by the Senate of the United States of America,
subject to an understanding, reservations, and a recommendation,
May 16, 1961;*

*Ratified, and acceptance declared, by the President of the United States
of America, subject to the said understanding, reservation, and
recommendation, May 29, 1961;*

*Acceptance deposited with the Intergovernmental Maritime Consulta-
tive Organization, subject to the said understanding, reservations,
and recommendation, September 8, 1961;*

*Proclaimed by the President of the United States of America Decem-
ber 8, 1961;*

Entered into force for the United States of America December 8, 1961.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS The International Convention for the Prevention of Pollution of the Sea by Oil, 1954, was opened for signature at London on May 12, 1954, remained open for signature for three months during which period it was signed in behalf of twenty States, not including the United States of America, and thereafter remained open for acceptance;

WHEREAS the text of the said Convention in the English . . . languages, as certified by the Government of the United Kingdom of Great Britain and Northern Ireland, is word for word as follows:

THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954

The Governments represented at the International Conference on Pollution of the Sea by Oil held in London from 26th April, 1954, to 12th May, 1954,

Desiring to take action by common agreement to prevent pollution of the sea by oil discharged from ships, and considering that this end may best be achieved by the conclusion of a Convention,

Have accordingly appointed the undersigned plenipotentiaries, who, having communicated their full powers, found in good and due form, have agreed as follows:

ARTICLE I

(1) For the purposes of the present Convention, the following expressions shall (unless the context otherwise requires) have the meanings hereby respectively assigned to them, that is to say—

“The Bureau” has the meaning assigned to it by Article XXI;

“Discharge” in relation to oil or to an oily mixture means any discharge or escape howsoever caused;

“Heavy diesel oil” means marine diesel oil, other than those distillates of which more than 50 per cent. by volume distils at a temperature not exceeding 340° C. when tested by A.S.T.M. Standard Method D.158/53;

“Mile” means a nautical mile of 6080 feet or 1852 metres;

“Oil” means crude oil, fuel oil, heavy diesel oil and lubricating oil, and “oily” shall be construed accordingly.

(2) For the purposes of the present Convention the territories of a Contracting Government mean the territory of the country of which it is the Government and any other territory for the international relations of which the Government is responsible and to which the Convention shall have been extended under Article XVIII.

ARTICLE II

The present Convention shall apply to sea-going ships registered in any of the territories of a Contracting Government, except

(i) ships for the time being used as naval auxiliaries;

(ii) ships of under 500 tons gross tonnage;

(iii) ships for the time being engaged in the whaling industry;

(iv) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.

ARTICLE III

(1) Subject to the provisions of Articles IV and V, the discharge from any tanker, being a ship to which the Convention applies, within any of the prohibited zones referred to in Annex A to the Convention in relation to tankers of—

(a) oil;

(b) any oily mixture the oil in which fouls the surface of the seas, shall be prohibited.

For the purposes of this paragraph the oil in an oily mixture of less than 100 parts of oil in 1,000,000 parts of the mixture shall not be deemed to foul the surface of the sea.

(2) Subject to the provisions of Articles IV and V, any discharge into the sea from a ship, being a ship to which the Convention applies and not being a tanker, of oily ballast water or tank washings shall be made as far as practicable from land. As from a date three years after the date on which the Convention comes into force, paragraph (1) of this Article shall apply to ships other than tankers as it applies to tankers, except that—

(a) the prohibited zones in relation to ships other than tankers shall be those referred to as such in Annex A to the Convention; and

(b) the discharge of oil or of an oily mixture from such a ship shall not be prohibited when the ship is proceeding to a port not provided with such reception facilities as are referred to in Article VIII.

(3) Any contravention of paragraphs (1) and (2) of this Article shall be an offence punishable under the laws of territory in which the ship is registered.

ARTICLE IV

(1) Article III shall not apply to—

(a) the discharge of oil or of an oily mixture from a ship for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving life at sea; or

(b) the escape of oil, or of an oily mixture, resulting from damage to the ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimising the escape;

(c) the discharge of sediment—

(i) which cannot be pumped from the cargo tanks of tankers by reason of its solidity; or

(ii) which is residue arising from the purification or clarification of oil fuel or lubricating oil, provided that such discharge is made as far from land as is practicable.

(2) In the event of such discharge or escape as is referred to in this Article a statement shall be made in the oil record book required by Article IX of the circumstances of the reason for the discharge.

ARTICLE V

Article III shall not apply to the discharge from the bilges of a ship—

(a) of any oily mixture during the period of twelve months following the date on which the Convention comes into force in respect of the territory in which the ship is registered;

(b) after the expiration of such period, of an oily mixture containing no oil other than lubricating oil.

ARTICLE VI

The penalties which may be imposed in pursuance of Article III under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or of an oily mixture into waters outside the territorial waters of that territory shall not be less than the penalties which may be imposed under the law of that territory in respect of the unlawful discharge of oil or of an oily mixture from a ship into such territorial waters.

ARTICLE VII

As from a date twelve months after the present Convention comes into force in respect of any of the territories of a Contracting Government all ships registered in that territory shall be required to be so fitted as to prevent the escape of fuel oil or heavy diesel oil into bilges the contents of which are discharged into the sea without being passed through an oily-water separator.

ARTICLE VIII

As from a date three years after the present Convention comes into force in respect of any of the territories of a Contracting Government, that Government shall ensure the provision in each main port in that territory of facilities adequate for the reception, without causing undue delay to ships, of such residues from oily ballast water and tank washings as would remain for disposal by ships, other than tankers, using the port, if the water had been separated by the use of an oily-water separator, a settling tank or otherwise. Each Contracting Government shall from time to time determine which ports are the main ports in its territories for the purposes of this Article, and shall notify the Bureau in writing accordingly indicating whether adequate reception facilities have been installed.

ARTICLE IX

(1) There shall be carried in every ship to which the Convention applies an oil record book (whether as part of the ship's official log-book or otherwise) in the form specified in Annex B to the present Convention. The appropriate entries shall be made in that book, and each page of the book, including any statement under paragraph (2) of Article IV, shall be signed by the officer or officers in charge of the operations concerned and by the master of the ship. The written

entries in the oil record book shall be in an official language of the territory in which the ship is registered, or in English or French.

(2) The competent authorities of any of the territories of a Contracting Government may inspect on board any such ship while within a port in that territory the oil record book required to be carried in the ship in compliance with the provisions of the Convention, and may make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a true copy of an entry in the ship's oil record book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be delayed.

ARTICLE X

(1) Any Contracting Government may furnish to the Contracting Government in the territory of which a ship is registered particulars in writing of evidence that any provision of the Convention has been contravened in respect of that ship, wheresoever the alleged contravention may have taken place. If it is practicable to do so, the competent authorities of the former Government shall notify the master of the ship of the alleged contravention.

(2) Upon receiving such particulars the latter Government shall investigate the matter, and may request the former Government to furnish further or better particulars of the alleged contravention. If the Government in the territory of which the ship is registered is satisfied that sufficient evidence is available in the form required by law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible, and shall inform the other Contracting Government and the Bureau of the result of such proceedings.

ARTICLE XI

Nothing in the present Convention shall be construed as derogating from the powers of any Contracting Government to take measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any Contracting Government.

ARTICLE XII

Each Contracting Government shall send to the Bureau and to the appropriate organ of the United Nations—

(a) the text of laws, decrees, orders and regulations in force in its territories which give effect to the present Convention;

(b) all official reports or summaries of official reports in so far as they show the results of the application of the provisions of the Convention, provided always that such reports or summaries are not, in the opinion of that Government, of a confidential nature.

ARTICLE XIII

Any dispute between Contracting Governments relating to the interpretation or application of the present Convention which cannot be settled by negotiation shall be referred at the request of either party to the International Court of Justice for decision unless the parties in dispute agree to submit it to arbitration.

ARTICLE XIV

(1) The present Convention shall remain open for signature for three months from this day's date and shall thereafter remain open for acceptance.

(2) Governments may become parties to the Convention by—

- (i) signature without reservation as to acceptance;
- (ii) signature subject to acceptance followed by acceptance; or
- (iii) acceptance.

(3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Bureau, which shall inform all Governments that have already signed or accepted the Convention of each signature and deposit of an acceptance and of the date of such signature or deposit.

ARTICLE XV

(1) The present Convention shall come into force twelve months after the date on which not less than ten Governments have become parties to the Convention, including five Governments of countries each with not less than 500,000 gross tons of tanker tonnage.

(2)—(a) For each Government which signs the Convention without reservation as to acceptance or accepts the Convention before the date on which the Convention comes into force in accordance with paragraph (1) of this Article it shall come into force on that date. For each Government which accepts the Convention on or after that date, it shall come into force three months after the date of the deposit of that Government's acceptance.

(b) The Bureau shall, as soon as possible, inform all Governments which have signed or accepted the Convention of the date on which it will come into force.

ARTICLE XVI

(1) Upon the request of any Contracting Government a proposed amendment of the present Convention shall be communicated by the Bureau to all Contracting Governments for consideration.

(2) Any amendment communicated to Contracting Governments for consideration under paragraph (1) of this Article shall be deemed to have been accepted by all Contracting Governments and shall come into force on the expiration of a period of six months after it has been so communicated, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period that it does not accept the amendment.

(3)—(a) A conference of Contracting Governments to consider amendments of the Convention proposed by any Contracting Government shall be convened by the Bureau upon the request of one-third of the Contracting Governments.

(b) Every amendment adopted by such a conference by a two-thirds majority vote of the Contracting Governments represented shall be communicated by the Bureau to all Contracting Governments for their acceptance.

(4) Any amendment communicated to Contracting Governments for their acceptance under paragraph (3) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments.

(5) Any declaration under this Article shall be made by a notification in writing to the Bureau which shall notify all Contracting Governments of the receipt of the declaration.

(6) The Bureau shall inform all signatory and Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.

ARTICLE XVII

(1) The present Convention may be denounced by any Contracting Government at any time after the expiration of a period of five years from the date on which the Convention comes into force for that Government.

(2) Denunciation shall be effected by a notification in writing addressed to the Bureau, which shall notify all the Contracting Governments of any denunciation received and of the date of its receipt.

(3) A denunciation shall take effect twelve months, or such longer period as may be specified in the notification, after its receipt by the Bureau.

ARTICLE XVIII

(1)—(a) Any Government may, at the time of signature or acceptance of the present Convention, or at any time thereafter, declare by notification in writing given to the Bureau that the Convention shall extend to any of the territories for whose international relations it is responsible.

(b) The Convention shall, from the date of the receipt of the notification, or from such other date as may be specified in the notification, extend to the territories named therein.

(2)—(a) Any Contracting Government which has made a declaration under paragraph (1) of this Article may, at any time after the expiration of a period of five years from the date on which the Convention has been so extended to any territory, give notification in writing to the Bureau, declaring that the Convention shall cease to extend to any such territory named in the notification.

(b) The Convention shall cease to extend to any territory mentioned in such notification twelve months, or such longer period as

may be specified therein, after the date of receipt of the notification by the Bureau.

(3) The Bureau shall inform all Contracting Governments of the extension of the Convention to any territories under paragraph (1) of this Article, and of the termination of any such extension under paragraph (2) of this Article, stating in each case the date from which the Convention has been, or will cease to be, so extended.

ARTICLE XIX

(1) In case of war or other hostilities, a Contracting Government which considers that it is affected, whether as a belligerent or as a neutral, may suspend the operation of the whole or any part of the present Convention in respect of all or any of its territories. The suspending Government shall immediately give notice of any such suspension to the Bureau.

(2) The suspending Government may at any time terminate such suspension and shall in any event terminate it as soon as it ceases to be justified under paragraph (2) of this Article. Notice of such termination shall be given immediately to the Bureau of the Government concerned.

(3) The Bureau shall notify all Contracting Governments of any suspension or termination of suspension under this Article.

ARTICLE XX

As soon as the present Convention comes into force it shall be registered by the Bureau with the Secretary-General of the United Nations.

ARTICLE XXI

The duties of the Bureau shall be carried out by the Government of the United Kingdom of Great Britain and Northern Ireland unless and until the Inter-Governmental Maritime Consultative Organisation comes into being and takes over the duties assigned to it under the Convention signed at Geneva on the 6th day of March, 1948, [1] and thereafter the duties of the Bureau shall be carried out by the said Organisation.

In witness whereof the undersigned plenipotentiaries have signed the present Convention.

Done in London this twelfth day of May, 1954, in English and French, both texts being equally authoritative, in a single copy, which shall be deposited with the Bureau and of which the Bureau shall transmit certified copies to all signatory and Contracting Governments.

* * * * *

¹ TIAS 4044; 9 UST 621.

ANNEX A

PROHIBITED ZONES

(1) Subject to paragraph (3) of this Annex, the prohibited zones in relation to tankers shall be all sea areas within 50 miles from land, with the following exceptions:

(a) *The Adriatic Zones*

Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of 30 miles from land, excepting only the island of Vis. When the present Convention has been in force for a period of three years the said zones shall each be extended by a further 20 miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years and the Bureau shall notify all Contracting Governments of such agreement.

(b) *The North Sea Zone*

The North Sea Zone shall extend for a distance of 100 miles from the coasts of the following countries:

Belgium

Denmark

the Federal Republic of Germany

the Netherlands

the United Kingdom of Great Britain and Northern Ireland, but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(c) *The Atlantic Zone*

The Atlantic Zone shall be within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Islands; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64^{th} parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude $54^{\circ}30'$ north, longitude 30° west; thence to latitude $44^{\circ}20'$ north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastwards along the 48^{th} parallel to a point of intersection with the 50-mile zone off the coast of France. Provided that in relation to voyages which do not extend seawards beyond the Atlantic Zone as defined above, and which are to ports not provided with adequate facilities for the reception of oily residue, the Atlantic Zone shall be deemed to terminate at a distance of 100 miles from land.

(d) *The Australian Zone*

The Australian Zone shall extend for a distance of 150 miles from the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

(2) Subject to paragraph (3) of this Annex the prohibited zones in relation to ships other than tankers shall be all sea areas within 50 miles from land with the following exceptions:

(a) *The Adriatic Zones*

Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of 20 miles from land, excepting only the island of Vis. After the expiration of a period of three years following the application of prohibited zones to ships other than tankers in accordance with paragraph (2) of Article III the said zones shall each be extended by a further 30 miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years, and the Bureau shall notify all Contracting Governments of such agreement.

(b) *The North Sea and Atlantic Zones*

The North Sea and Atlantic Zones shall extend for a distance of 100 miles from the coasts of the following countries:

Belgium

Denmark

the Federal Republic of Germany

Ireland

the Netherlands

the United Kingdom of Great Britain and Northern Ireland, but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(3)—(a) Any Contracting Government may propose—

(i) the reduction of any zone off the coast of any of its territories;

(ii) the extension of any such zone to a maximum of 100 miles from any such coast,

by making a declaration to that effect and the reduction or extension shall come into force after the expiration of a period of six months after the declaration has been made, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period that its interests are affected either by reason of the proximity of its coasts or by reason of its ships trading in the area, and that it does not accept the reduction or extension, as the case may be.

(b) Any declaration under this paragraph shall be made by a notification in writing to the Bureau which shall notify all Contracting Governments of the receipt of the declaration.

ANNEX B

Form of Oil Record Book

I.—FOR TANKERS

Date of entry					
<i>(a) Ballasting of and discharge of ballast from cargo tanks</i>					
1. Identity numbers of tank(s).....	-----	-----	-----	-----	-----
2. Type of oil previously contained in tank(s).....	-----	-----	-----	-----	-----
3. Date and place of ballasting.....	-----	-----	-----	-----	-----
4. Date and time of discharge of ballast water.....	-----	-----	-----	-----	-----
5. Place or position of ship.....	-----	-----	-----	-----	-----
6. Approximate amount of oil-contaminated water transferred to slop tank(s).....	-----	-----	-----	-----	-----
7. Identity numbers of slop tank(s).....	-----	-----	-----	-----	-----
<i>(b) Cleaning of cargo tanks</i>					
8. Identity numbers of tank(s) cleaned.....	-----	-----	-----	-----	-----
9. Type of oil previously contained in tank(s).....	-----	-----	-----	-----	-----
10. Identity numbers of slop tank(s) to which washings transferred.....	-----	-----	-----	-----	-----
11. Dates and times of cleaning.....	-----	-----	-----	-----	-----
<i>(c) Settling in slop tank(s) and discharge of water</i>					
12. Identity numbers of slop tank(s).....	-----	-----	-----	-----	-----
13. Period of settling (in hours).....	-----	-----	-----	-----	-----
14. Date and time of discharge of water.....	-----	-----	-----	-----	-----
15. Place or position of ship.....	-----	-----	-----	-----	-----
16. Approximate quantities of residue.....	-----	-----	-----	-----	-----
<i>(d) Disposal from ship of oily residues from slop tank(s) and other sources</i>					
17. Date and method of disposal.....	-----	-----	-----	-----	-----
18. Place or position of ship.....	-----	-----	-----	-----	-----
19. Sources and approximate quantities.....	-----	-----	-----	-----	-----

(Signature of Officer or Officers in charge of the operations concerned)

(Signature of Master)

II.—FOR SHIPS OTHER THAN TANKERS

Date of entry					
<i>(a) Ballasting, or cleaning during voyage, of bunker fuel tanks</i>					
1. Identity number of tank(s).....	-----	-----	-----	-----	-----
2. Type of oil previously contained in tank(s).....	-----	-----	-----	-----	-----
3. Date and place of ballasting.....	-----	-----	-----	-----	-----
4. Date and time of discharge of ballast or washing water.....	-----	-----	-----	-----	-----
5. Place or position of ship.....	-----	-----	-----	-----	-----
6. Whether separator used; if so, give period of use.....	-----	-----	-----	-----	-----
7. Disposal of oily residue retained on board.....	-----	-----	-----	-----	-----
<i>(b) Disposal from ship of oily residues from bunker fuel tanks and other sources</i>					
8. Date and method of disposal.....	-----	-----	-----	-----	-----
9. Place or position of ship.....	-----	-----	-----	-----	-----
10. Sources and approximate quantities.....	-----	-----	-----	-----	-----

(Signature of Officer or Officers in charge of the operations concerned)

(Signature of Master)

Form of Oil Record Book—Continued

III.—FOR ALL SHIPS

Date of entry					
<i>Accidental and other exceptional discharges or escapes of oil</i>					
1. Date and time of occurrence					
2. Place or position of ship					
3. Approximate quantity and type of oil					
4. Circumstances of discharge or escape and general remarks					

.....
(Signature of Officer or Officers in charge of the operations concerned)

.....
(Signature of Master)

WHEREAS the Senate of the United States of America by their resolution of May 16, 1961, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Convention subject to the following understanding and reservations and with the following recommendation:

"The acceptance by the United States of America of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, is subject to the following understanding:

"In accepting the Convention the United States declares that it does so subject to the understanding that article XI effectively reserves to the parties to the Convention freedom of legislative action in territorial waters, including the application of existing laws, anything in the Convention which may appear to be contrary notwithstanding. Specifically, it is understood that offenses in U.S. territorial waters will continue to be punishable under U.S. laws regardless of the ship's registry;

"The acceptance by the United States of America of the said Convention is subject to the following reservations:

"1. The United States accepts article VIII of the Convention, subject to the reservation that, while it will urge port authorities, oil terminal or private contractors to provide adequate disposal facilities, the United States shall not be obliged to construct, operate, or maintain shore facilities at places on U.S. coasts or waters where such facilities may be deemed inadequate, or to assume any financial obligation to assist in such activities;

"2. The United States accepts the Convention subject to the reservation that amendments communicated to contracting governments under the provisions of paragraph (2) of article XVI will become binding upon the United States of America only after notification of acceptance thereof has been given by the United States.

"The United States of America, in accepting the Convention subject to the aforesaid understanding and reservations, recommends that the parties give consideration to the formulation of

amendments to the Convention at the earliest practicable date to bring about—

- “(1) International uniformity in fines and penalties;
- “(2) International uniformity of enforcement;
- “(3) A more realistic definition of what shall constitute oil pollution;
- “(4) The right of access of each contracting government to the official reports of other contracting governments filed with the bureau which relate to its own vessels; and
- “(5) A more flexible arrangement for fixing the time within which contracting governments shall notify the bureau whether or not they accept an amendment”;

WHEREAS the said Convention was duly ratified by the President of the United States of America on May 29, 1961, in pursuance of the said advice and consent of the Senate, subject to the understanding and reservations and with the recommendation as aforesaid;

WHEREAS it is provided in Article XIV of the Convention that Governments may become parties by (i) signature without reservation as to acceptance, (ii) signature subject to acceptance followed by acceptance, or (iii) acceptance;

WHEREAS it is provided in Article XV of the Convention that the Convention shall enter into force twelve months after the date on which not less than ten Governments have become parties to the Convention, including five Governments of countries each with not less than 500,000 gross tons of tanker tonnage;

WHEREAS it is further provided in Article XV of the Convention that for each Government which signs the Convention without reservation as to acceptance or accepts the Convention before the date on which the Convention comes into force it shall come into force on that date, and for each Government which accepts the Convention on or after that date it shall come into force three months after the date of deposit of that Government's acceptance;

WHEREAS no signature was affixed to the Convention without reservation as to acceptance, all signatures affixed thereto being subject to acceptance or ratification;

WHEREAS instruments of acceptance of the Convention were deposited with the Government of the United Kingdom of Great Britain and Northern Ireland pursuant to Article XIV and Article XXI of the Convention as follows:—

(a) By Governments of countries each having a tanker tonnage of not less than 500,000 gross tons: The United Kingdom of Great Britain and Northern Ireland on May 6, 1955; Sweden on May 24, 1956; Denmark on November 26, 1956; Norway on January 26, 1957; and France on July 26, 1957; and

(b) By other Governments: Mexico on May 10, 1956; the Federal Republic of Germany on June 11, 1956; Canada on December 19, 1956; Ireland on February 13, 1957; Belgium on April 16, 1957; and the Netherlands on July 24, 1958.

WHEREAS the Convention entered into force for the aforesaid Governments, pursuant to Article XV, on July 26, 1958.

WHEREAS an instrument of acceptance by the Government of Finland was deposited on December 30, 1958 with the Government of

the United Kingdom of Great Britain and Northern Ireland, and an instrument of acceptance by the Government of Poland was deposited on February 28, 1961, with the Intergovernmental Maritime Consultative Organization, which under Article XXI of the Convention had succeeded to the depositary duties, and the Convention accordingly entered into force for the Governments of Finland and Poland, pursuant to Article XV, three months after the respective dates of deposit;

WHEREAS an instrument of acceptance by the Government of the United States of America was deposited with the Intergovernmental Maritime Consultative Organization on September 8, 1961, subject to the understanding and reservations and with the recommendation as aforesaid;

AND WHEREAS, pursuant to paragraph (2) (a) of Article XV, the Convention entered into force for the United States of America, subject to the understanding and reservations and with the recommendation as aforesaid, on December 8, 1961.

NOW, THEREFORE, be it known that I, John F. Kennedy, President of the United States of America, do hereby proclaim and make public the said International Convention for the Prevention of Pollution of the Sea by Oil, 1954, to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after December 8, 1961, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof, subject to the understanding and reservations and with the recommendation as aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this eighth day of December in the year of our Lord one thousand nine hundred sixty-one
[SEAL] and of the Independence of the United States of America the one hundred eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK

Secretary of State

JANUARY 1965

STATEMENT BY U.S. SENATE COMMITTEE ON COMMERCE STAFF
**INTERNATIONAL CONVENTION FOR THE PREVENTION
OF POLLUTION OF THE SEA BY OIL, 1954**

The coasts and coastal waters of many countries are seriously affected by oil pollution, the results of which include great damage to coasts and beaches and consequent hindrance to healthful recreation and interference with the tourist industry, the death and destruction of birds and other wildlife, and probably adverse effects on fish and marine organisms on which they feed. There is widespread public concern in many countries about the extent and growth of this problem. The pollution is caused by persistent oils, that is to say, crude oil, fuel oil, heavy diesel oil and lubricating oil. While there is not conclusive evidence that these oils persist indefinitely on the surface of the sea, they remain for very long periods of time and are capable of being carried very considerable distances by currents, wind and surface drifts and of building up into deposits on the seashore. Very large quantities of persistent oils are regularly discharged into the sea by tankers as a result of the washing of their tanks and the disposal of their oily ballast water. Dry-cargo ships which habitually use their fuel tanks for ballast water also discharge oily ballast water into the sea and this also gives rise to pollution.

The convention provides in general for a 50-mile zone around the coasts of all countries into which zone the ships whose governments are parties to the convention are prohibited from discharging oil or oily wastes except under specified exceptional circumstances. Antipollution measures applied individually by governments within their own territorial waters, while essential, cannot deal with the problem completely because of the tendency of oil, dumped into the high seas (when ships' tanks are cleaned or when ballast water is discharged from fuel tanks) to drift ashore. The general 50-mile prohibited zone is supplemented in the convention by the prescription of a number of specific prohibited zones, some embracing considerable sea areas, and by a provision that a contracting government, when circumstances warrant, may by declaration extend the 50-mile zone off the coast of any of its territories to a maximum of 100 miles in the absence of objection from another contracting government. Ships of contracting governments maintain oil record books in which the disposition of oil taken aboard is recorded, and these may be inspected by any contracting government when the ship is in one of its ports.

(2) Convention on the high seas.*

Done at Geneva April 29, 1958; entered into force for the United States September 30, 1962.

13 UST 2312; TIAS 5200.

States which are parties:

Afghanistan	Nepal
Australia ¹	Nigeria
Bulgaria ¹	Poland ¹
Byelorussian Soviet Socialist Republic ²	Portugal
Cambodia	Rumania ²
Central African Republic	Senegal
Czechoslovakia ²	Sierra Leone
Dominican Republic	South Africa
Guatemala	Uganda
Haiti	Ukrainian Soviet Socialist Republic ²
Hungary ²	Union of Soviet Socialist Republics ²
Indonesia ¹	United Kingdom ⁴
Israel	United States
Madagascar ³	Venezuela
Malaysia	

* This Convention is one of four Conventions on the Law of the Sea and an Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes; which agreements were formulated at the United Nations Conference on the Law of the Sea, held at Geneva from February 24 to April 27, 1958; were dated at Geneva on April 29, 1958, and were signed on behalf of the United States of America on September 15, 1958, and on behalf of a number of other States.

The four Conventions on the Law of the Sea (published as 86th Congress, 1st session, Senate Executives J to N inclusive) were: A Convention on the Territorial Sea and Contiguous Zone (Executive J, 86th Congress, 1st Session) (see p. 127); A Convention on the High Seas (Executive K, 86th Congress, 1st Session) (see p. 110); A Convention on Fishing and Conservation of the Living Resources of the High Seas (Executive L, 86th Congress, 1st Session) (see p. 380); A Convention on the Continental Shelf (Executive M, 86th Congress, 1st Session (see p. 126); and an Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes (Executive N, 86th Congress, 1st Session) (see p. 387).

Only three of these Conventions have come into force: The Convention on the High Seas (TIAS 5200); The Convention on the Continental Shelf (TIAS 5578); and the Convention on the Territorial Sea and Contiguous Zone (TIAS 5639).

The Convention on Fishing and Conservation of the Living Resources of the High Seas appears in the Annex (at p. 380), as does also the Optional Protocol.

¹ With reservations.

² With reservations and declaration.

³ With statement.

⁴ With declaration.

LAW OF THE SEA

Convention on the High Seas Between the United States of America and Other Governments

(Multilateral)

Done at Geneva April 29, 1958;

*Ratification advised by the Senate of the United States of America
May 26, 1960;*

*Ratified by the President of the United States of America March 24,
1961;*

*Ratification of the United States of America deposited with the Sec-
retary-General of the United Nations April 12, 1961;*

*Proclaimed by the President of the United States of America Novem-
ber 9, 1962;*

Entered into force September 30, 1952.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Convention on the High Seas, adopted by the United Nations Conference on the Law of the Sea, Geneva, February 24 to April 27, 1958, was opened for signature from April 29 to October 31, 1958, and during that period was signed in behalf of the United States of America and forty-eight other States;

WHEREAS a certified copy of the text of the said Convention, in the * * * English, * * * languages, is word for word as follows:

ANNEX II^a

CONVENTION ON THE HIGH SEAS

The States Parties to this Convention,

Desiring to codify the rules of international law relating to the high seas,

Recognizing that the United Nations Conference on the Law of the Sea, held at Geneva from 24 February to 27 April 1958, adopted the following provisions as generally declaratory of established principles of international law,

^aThe text of the convention printed herein constituted Annex II to the Final Act of the United Nations Conference on the Law of the Sea, which was certified by the Legal Counsel, for the Secretary-General of the United Nations. [Footnote added by the Department of State.]

Have agreed as follows:

ARTICLE 1

The term "high seas" means all parts of the sea that are not included in the territorial sea or in the internal waters of a State.

ARTICLE 2

The high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is exercised under the conditions laid down by these articles and by the other rules of international law. It comprises, *inter alia*, both for coastal and non-coastal States:

- (1) Freedom of navigation;
- (2) Freedom of fishing;
- (3) Freedom to lay submarine cables and pipelines;
- (4) Freedom to fly over the high seas.

These freedoms, and others which are recognized by the general principles of international law shall be exercised by all States with reasonable regard to the interests of other States in their exercise of the freedom of the high seas.

ARTICLE 3

1. In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea. To this end States situated between the sea and a State having no sea-coast shall by common agreement with the latter and in conformity with existing international convention accord:

(a) To the State having no sea-coast, on a basis of reciprocity, free transit through their territory; and

(b) To ships flying the flag of that State treatment equal to that accorded to their own ships, or to the ships of any other States, as regards access to seaports and the use of such ports.

2. States situated between the sea and a State having no sea-coast shall settle, by mutual agreement with the latter, and taking into account the rights of the coastal State or State of transit and the special conditions of the State having no sea-coast, all matters relating to freedom of transit and equal treatment in ports, in case such States are not already parties to existing international conventions.

ARTICLE 4

Every State, whether coastal or not, has the right to sail ships under its flag on the high seas.

ARTICLE 5

1. Each State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they

are entitled to fly. There must exist a genuine link between the State and the ship; in particular, the State must effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.

2. Each State shall issue to ships to which it has granted the right to fly its flag documents to that effect.

ARTICLE 6

1. Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in these articles, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.

2. A ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality.

ARTICLE 7

The provisions of the preceding articles do not prejudice the question of ships employed on the official service of an inter-governmental organization flying the flag of the organization.

ARTICLE 8

1. Warships on the high seas have complete immunity from the jurisdiction of any State other than the flag State.

2. For the purposes of these articles, the term "warship" means a ship belonging to the naval forces of a State and bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the government and whose name appears in the Navy List, and manned by a crew who are under regular naval discipline.

ARTICLE 9

Ships owned or operated by a State and used only on government non-commercial service shall, on the high seas, have complete immunity from the jurisdiction of any State other than the flag State.

ARTICLE 10

1. Every State shall take such measures for ships under its flag as are necessary to ensure safety at sea with regard *inter alia* to:

(a) The use of signals, the maintenance of communications and the prevention of collisions;

(b) The manning of ships and labour conditions for crews taking into account the applicable international labour instruments;

(c) The construction, equipment and seaworthiness of ships.

2. In taking such measures each State is required to conform to generally accepted international standards and to take any steps which may be necessary to ensure their observance.

ARTICLE 11

1. In the event of a collision or of any other incident of navigation concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, no penal or disciplinary proceedings may be instituted against such persons except before the judicial or administrative authorities either of the flag State or of the State of which such person is a national.

2. In disciplinary matters, the State which has issued a master's certificate or a certificate of competence or licence shall alone be competent, after due legal process, to pronounce the withdrawal of such certificates, even if the holder is not a national of the State which issued them.

3. No arrest or detention of the ship, even as a measure of investigation, shall be ordered by any authorities other than those of the flag State.

ARTICLE 12

1. Every State shall require the master of a ship sailing under its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers,

(a) To render assistance to any person found at sea in danger of being lost;

(b) To proceed with all possible speed to the rescue of persons in distress if informed of their need of assistance, in so far as such action may reasonably be expected of him;

(c) After a collision, to render assistance to the other ship, her crew and her passengers and, where possible, to inform the other ship of the name of his own ship, her port of registry and the nearest port at which she will call.

2. Every coastal State shall promote the establishment and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and—where circumstances so require—by way of mutual regional arrangements co-operate with neighbouring States for this purpose.

ARTICLE 13

Every State shall adopt effective measures to prevent and punish the transport of slaves in ships authorized to fly its flag, and to prevent the unlawful use of its flag for that purpose. Any slave taking refuge on board any ship, whatever its flag, shall *ipso facto* be free.

ARTICLE 14

All States shall co-operate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.

ARTICLE 15

Piracy consists of any of the following acts:

(1) Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

(a) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

- (b) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (2) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (3) Any act of inciting or of intentionally facilitating an act described in sub-paragraph 1 or sub-paragraph 2 of this article.

ARTICLE 16

The acts of piracy, as defined in article 15, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship.

ARTICLE 17

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 15. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

ARTICLE 18

A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.

ARTICLE 19

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

ARTICLE 20

Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft, for any loss or damage caused by the seizure.

ARTICLE 21

A seizure on account of piracy may only be carried out by warships or military aircraft, or other ships or aircraft on government service authorized to that effect.

ARTICLE 22

1. Except where acts of interference derive from powers conferred by treaty, a warship which encounters a foreign merchant ship on the high seas is not justified in boarding her unless there is reasonable ground for suspecting:

(a) That the ship is engaged in piracy; or

(b) That the ship is engaged in the slave trade; or

(c) That, though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.

2. In the cases provided for in sub-paragraphs (a), (b) and (c) above, the warship may proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration.

3. If the suspicions prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it shall be compensated for any loss or damage that may have been sustained.

ARTICLE 23

1. The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. Such pursuit must be commenced when the foreign ship or one of its boats is within the internal waters or the territorial sea or the contiguous zone of the pursuing State, and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted. It is not necessary that, at the time when the foreign ship within the territorial sea or the contiguous zone receives the order to stop, the ship giving the order should likewise be within the territorial sea or the contiguous zone. If the foreign ship is within a contiguous zone, as defined in article 24 of the Convention on the Territorial Sea and the Contiguous Zone, the pursuit may only be undertaken if there has been a violation of the rights for the protection of which the zone was established.

2. The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own country or of a third State.

3. Hot pursuit is not deemed to have begun unless the pursuing ship has satisfied itself by such practicable means as may be available that the ship pursued or one of its boats or other craft working as a team and using the ship pursued as a mother ship are within the limits of the territorial sea, or as the case may be within the contiguous zone. The pursuit may only be commenced after a visual or auditory signal to stop has been given at a distance which enables it to be seen or heard by the foreign ship.

4. The right of hot pursuit may be exercised only by warships or military aircraft, or other ships or aircraft on government service specially authorized to that effect.

5. Where hot pursuit is effected by an aircraft:

(a) The provisions of paragraph 1 to 3 of this article shall apply *mutatis mutandis*;

(b) The aircraft giving the order to stop must itself actively pursue the ship until a ship or aircraft of the coastal State, summoned by the aircraft, arrives to take over the pursuit, unless the aircraft is itself able to arrest the ship. It does not suffice to justify an arrest on the high seas that the ship was merely sighted by the aircraft as an offender or suspected offender, if it was not both ordered to stop and pursued by the aircraft itself or other aircraft or ships which continue the pursuit without interruption.

6. The release of a ship arrested within the jurisdiction of a State and escorted to a port of that State for the purposes of an enquiry before the competent authorities may not be claimed solely on the ground that the ship, in the course of its voyage, was escorted across a portion of the high seas, if the circumstances rendered this necessary.

7. Where a ship has been stopped or arrested on the high seas in circumstances which do not justify the exercise of the right of hot pursuit, it shall be compensated for any loss or damage that may have been thereby sustained.

ARTICLE 24

Every State shall draw up regulations to prevent pollution of the seas by the discharge of oil from ships or pipelines or resulting from the exploitation and exploration of the seabed and its subsoil, taking account of existing treaty provisions on the subject.

ARTICLE 25

1. Every State shall take measures to prevent pollution of the seas from the dumping of radioactive waste, taking into account any standards and regulations which may be formulated by the competent international organizations.

2. All States shall co-operate with the competent international organizations in taking measures for the prevention of pollution of the seas or air space above, resulting from any activities with radio-active materials or other harmful agents.

ARTICLE 26

1. All States shall be entitled to lay submarine cables and pipelines on the bed of the high seas.

2. Subject to its right to take reasonable measures for the exploration of the continental shelf and the exploitation of its natural resources, the coastal State may not impede the laying or maintenance of such cables or pipelines.

3. When laying such cables or pipelines the State in question shall pay due regard to cables or pipelines already in position on the seabed. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

ARTICLE 27

Every State shall take the necessary legislative measures to provide that the breaking or injury by a ship flying its flag or by a person subject to its jurisdiction of a submarine cable beneath the high seas done wilfully or through culpable negligence, in such a manner as to be liable to interrupt or obstruct telegraphic or telephonic communications, and similarly the breaking or injury of a submarine pipeline or high-voltage power cable shall be a punishable offence. This provision shall not apply to any break or injury caused by persons who acted merely with the legitimate object of saving their lives or their ships, after having taken all necessary precautions to avoid such break or injury.

ARTICLE 28

Every State shall take the necessary legislative measures to provide that, if persons subject to its jurisdiction who are the owners of a cable or pipeline beneath the high seas, in laying or repairing that cable or pipeline, cause a break in or injury to another cable or pipeline, they shall bear the cost of the repairs.

ARTICLE 29

Every State shall take the necessary legislative measures to ensure that the owners of ships who can prove that they have sacrificed an anchor, a net or any other fishing gear, in order to avoid injuring a submarine cable or pipeline, shall be indemnified by the owner of the cable or pipeline, provided that the owner of the ship has taken all reasonable precautionary measures beforehand.

ARTICLE 30

The provisions of this Convention shall not affect conventions or other international agreements already in force, as between States Parties to them.

ARTICLE 31

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

ARTICLE 32

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE 33

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 31. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 34

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE 35

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

ARTICLE 36

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 31:

(a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 31, 32 and 33;

(b) Of the date on which this Convention will come into force, in accordance with Article 34;

(c) Of requests for revision in accordance with article 35.

ARTICLE 37

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 31.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

(3) Convention on the Continental Shelf.*

Done at Geneva April 29, 1958; entered into force for the United States June 10, 1964.

TIAS 5578; 15 UST 471.

States which are parties:

Australia
Bulgaria
Byelorussian Soviet
Socialist Republic
Cambodia
Colombia
Czechoslovakia
Denmark
Dominican Republic
Guatemala
Haiti
Israel
Madagascar
Malaysia

Poland
Portugal
Rumania
Senegal
South Africa
Uganda
Ukrainian Soviet
Socialist Republic
Union of Soviet Socialist
Republics
United Kingdom
United States
Venezuela ¹

¹ With reservation.

*This Convention is one of four Conventions on the Law of the Sea and an Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes; which agreements were formulated at the United Nations Conference on the Law of the Sea, held at Geneva from February 24 to April 27, 1958; were dated at Geneva on April 29, 1958, and were signed on behalf of the United States of America on September 15, 1958, and on behalf of a number of other States.

The four Conventions on the Law of the Sea (published as 86th Congress, 1st session, Senate Executives J to N inclusive) were: A Convention on the Territorial Sea and Contiguous Zone (Executive J, 86th Congress, 1st Session) (see p. 127); A Convention on the High Seas (Executive K, 86th Congress, 1st Session) (see p. 110); A convention on Fishing and Conservation of the Living Resources of the High Seas (Executive L, 86th Congress, 1st Session) (see p. 380); and A Convention on the Continental Shelf (Executive M, 86th Congress, 1st Session) (see p. 120); and an Optional Protocol Signature Concerning the Compulsory Settlement of Disputes (Executive N, 86th Congress, 1st Session) (see p. 387).

Only three of these Conventions have come into force: The Convention on the High Seas (TIAS 5200); The Convention on the Continental Shelf (TIAS 5578); and the Convention on the Territorial Sea and Contiguous Zone (TIAS 5639).

The Convention on Fishing and Conservation of the Living Resources of the High Seas appears in the Annex (at p. 380).

LAW OF THE SEA

Convention on the Continental Shelf

Between the United States of America and Other Governments

(Multilateral)

Done at Geneva April 29, 1958;

*Ratification advised by the Senate of the United States of America
May 26, 1960;*

*Ratified by the President of the United States of America March 24,
1961;*

*Ratification of the United States of America deposited with the
Secretary-General of the United Nations April 12, 1961;*

*Proclaimed by the President of the United States of America May
25, 1964;*

Entered into force June 10, 1964.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Convention on the Continental Shelf, adopted by the United Nations Conference on the Law of the Sea, Geneva, February 24 to April 27, 1958, was open for signature from April 29 to October 31, 1958, and during that period was signed in behalf of the United States of America and forty-five other States;

WHEREAS a certified copy of the text of the Convention, in the English, * * * languages, is word for word as follows:

ANNEX IV *

CONVENTION ON THE CONTINENTAL SHELF

The States Parties to this Convention

Have agreed as follows:

ARTICLE 1

For the purpose of these articles, the term "continental shelf" is used as referring (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a

* The text of the convention printed herein constituted Annex IV to the Final Act of the United Nations Conference on the Law of the Sea, which was certified by the Legal Counsel, for the Secretary-General of the United Nations. [Footnote added by the Department of State.]

depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.

ARTICLE 2

1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

2. The rights referred to in paragraph 1 of this article are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities, or make a claim to the continental shelf, without the express consent of the coastal State.

3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.

4. The natural resources referred to in these articles consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

ARTICLE 3

The rights of the coastal State over the continental shelf do not affect the legal status of the superjacent waters as high seas, or that of the airspace above those waters.

ARTICLE 4

Subject to its right to take reasonable measures for the exploration of the continental shelf and the exploitation of its natural resources, the coastal State may not impede the laying or maintenance of submarine cable or pipe lines on the continental shelf.

ARTICLE 5

1. The exploration of the continental shelf and the exploitation of its natural resources must not result in any unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea, nor result in any interference with fundamental oceanographic or other scientific research carried out with the intention of open publication.

2. Subject to the provisions of paragraphs 1 and 6 of this article, the coastal State is entitled to construct and maintain or operate on the the continental shelf installations and other devices necessary for its exploration and the exploitation of its natural resources, and to establish safety zones around such installations and devices and to take in those zones measures necessary for their protection.

3. The safety zones referred to in paragraph 2 of this article may extend to a distance of 500 metres around the installations and other devices which have been erected, measured from each point of their outer edge. Ships of all nationalities must respect these safety zones.

4. Such installations and devices, though under the jurisdiction of the coastal State, do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea of the coastal State.

5. Due notice must be given of the construction of any such installations, and permanent means for giving warning of their presence must be maintained. Any installations which are abandoned or disused must be entirely removed.

6. Neither the installations or devices, nor the safety zones around them, may be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

7. The coastal State is obliged to undertake, in the safety zones, all appropriate measures for the protection of the living resources of the sea from harmful agents.

8. The consent of the coastal State shall be obtained in respect of any research concerning the continental shelf and undertaken there. Nevertheless the coastal State shall not normally withhold its consent if the request is submitted by a qualified institution with a view to purely scientific research into the physical or biological characteristics of the continental shelf, subject to the proviso that the coastal State shall have the right, if it so desires, to participate or to be represented in the research, and that in any event the results shall be published.

ARTICLE 6

1. Where the same continental shelf is adjacent to the territories of two or more States whose coasts are opposite each other, the boundary of the continental shelf appertaining to such State shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from which the breadth of the territorial sea of each State is measured.

2. Where the same continental shelf is adjacent to the territories of two adjacent States, the boundary of the continental shelf shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary shall be determined by application of the principle of equidistance from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.

3. In delimiting the boundaries of the continental shelf, any lines which are drawn in accordance with the principles set out in paragraphs 1 and 2 of this article should be defined with reference to charts and geographical features as they exist at a particular date, and reference should be made to fixed permanent identifiable points on the land.

ARTICLE 7

The provisions of these articles shall not prejudice the right of the coastal State to exploit the subsoil by means of tunnelling irrespective of the depth of water above the subsoil.

ARTICLE 8

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

ARTICLE 9

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE 10

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 8. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 11

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE 12

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1 to 3 inclusive.

2. Any Contracting State making a reservation in accordance with the preceding paragraph may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

ARTICLE 13

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

ARTICLE 14

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 8:

(a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 8, 9 and 10;

(b) Of the date on which this Convention will come into force, in accordance with article 11;

(c) Of requests for revision in accordance with article 13;

(d) Of reservations to this Convention, in accordance with article 12.

ARTICLE 15

The original of this Convention, of which the Chinese, English, French, Russian and Spanish text are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 8.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

WHEREAS the Senate of the United States of America by their resolution of May 26, 1960, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Convention;

WHEREAS the said Convention was duly ratified by the President of the United States of America on March 24, 1961, in pursuance of the said advice and consent of the Senate;

WHEREAS it is provided in Article 11 of the said Convention that the Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary General of the United Nations;

WHEREAS instruments of ratification were deposited with the Secretary General of the United Nations by the following Governments on the dates indicated: Haiti on March 29, 1960, the Union of Soviet Socialist Republics on November 22, 1960, the Ukrainian Soviet Socialist Republic on January 12, 1961, the Byelorussian Soviet Socialist Republic on February 27, 1961, the United States of America on April 12, 1961, Venezuela, with a reservation, on August 15, 1961, Czechoslovakia on August 31, 1961, Israel on September 6, 1961, Guatemala on November 27, 1961; Colombia on January 8, 1962, Poland on June 29, 1962, Portugal on January 8, 1963, Australia on May 14, 1963, Denmark on June 12, 1963, and the United Kingdom of Great Britain and Northern Ireland on May 11, 1964; instruments of accession were deposited with the Secretary General of the United Nations by the following Governments on the dates indicated: Cambodia on March 18, 1960, the Federation of Malaya on December

21, 1960, Senegal on April 25, 1961, Rumania on December 12, 1961, the Malagasy Republic on July 31, 1962, Bulgaria on August 31, 1962, and the Republic of South Africa on April 9, 1963;

AND WHEREAS, pursuant to the aforesaid provision of Article 11 of the said Convention, the Convention enters into force on June 10, 1964;

NOW THEREFORE, be it known that I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim and make public the said Convention to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after June 10, 1964, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this twenty-fifth day of May
in the year of our Lord one thousand nine hundred
[SEAL] sixty-four and of the Independence of the United States
of America the one hundred eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK

Secretary of State

- (4) Convention on the territorial sea and contiguous zone.* Done at Geneva April 29, 1958; entered into force for the United States September 10, 1964.
TIAS 5639.

States which are parties:

Australia ¹	Portugal ¹
Bulgaria ¹	Rumania ¹
Byelorussian Soviet Socialist Republic ¹	Senegal
Cambodia	Sierra Leone
Czechoslovakia ¹	South Africa
Dominican Republic	Uganda
Haiti	Ukrainian Soviet Socialist Republic ¹
Hungary ¹	Union of Soviet Socialist Republics ¹
Israel	United Kingdom ²
Madagascar	United States
Malaysia	Venezuela ¹
Nigeria	

¹ With reservations.

² With a declaration.

*This Convention is one of four Conventions on the Law of the Sea and an Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes; which agreements were formulated at the United Nations Conference on the Law of the Sea, held at Geneva from February 24 to April 27, 1958; were dated at Geneva on April 29, 1958, and were signed on behalf of the United States of America on September 15, 1958, and on behalf of a number of other States.

The four Conventions on the Law of the Sea (published as 86th Congress, 1st session, Senate Executives J to N inclusive) were: A Convention on the Territorial Sea and Contiguous Zone (Executive J, 86th Congress, 1st Session) (see p. 127); A Convention on the High Seas (Executive K, 86th Congress, 1st Session) (see p. 110); A Convention on Fishing and Conservation of the Living Resources of the High Seas (Executive L, 86th Congress, 1st Session) (see p. 380); and A Convention on the Continental Shelf (Executive M, 86th Congress, 1st Session) (see p. 120); and an Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes (Executive N, 86th Congress, 1st Session) (see p. 387).

Only three of these Conventions have come into force: The Convention on the High Seas (TIAS 5200); The Convention on the Continental Shelf (TIAS 5578); and the Convention on the Territorial Sea and Contiguous Zone (TIAS 5639).

The Convention on Fishing and Conservation of the Living Resources of the High Seas appears in the Annex (at p. 380).

CONVENTION ON THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE

(Multilateral)

*The States Parties to this Convention
Have agreed as follows:*

PART I—TERRITORIAL SEA

SECTION I. GENERAL

Article 1

1. The sovereignty of a State extends, beyond its land territory and its internal waters, to a belt of sea adjacent to its coast, described as the territorial sea.

2. This sovereignty is exercised subject to the provisions of these articles and to other rules of international law.

Article 2

The sovereignty of a coastal State extends to the air space over the territorial sea as well as to its bed and subsoil.

SECTION II. LIMITS OF THE TERRITORIAL SEA

Article 3

Except where otherwise provided in these articles, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

Article 4

1. In localities where the coast line is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.

2. The drawing of such baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters.

3. Baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them.

4. Where the method of straight baselines is applicable under the provisions of paragraph 1, account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by a long usage.

5. The system of straight baselines may not be applied by a State in such a manner as to cut off from the high seas the territorial sea of another State.

6. The coastal State must clearly indicate straight baselines on charts, to which due publicity must be given.

Article 5

1. Waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.

2. Where the establishment of a straight baseline in accordance with article 4 has the effect of enclosing as internal waters areas which previously had been considered as part of the territorial sea or of the high seas, a right of innocent passage, as provided in articles 14 to 23, shall exist in those waters.

Article 6

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

Article 7

1. This article relates only to bays the coasts of which belong to a single State.

2. For the purposes of these articles, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain landlocked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation.

3. For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water marks of its natural entrance points. Where, because of the presence of islands, an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water areas of the indentation.

4. If the distance between the low-water marks of the natural entrance points of a bay does not exceed twenty-four miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters.

5. Where the distance between the low-water marks of the natural entrance points of a bay exceeds twenty-four miles, a straight baseline of twenty-four miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

6. The foregoing provisions shall not apply to so-called "historic" bays, or in any case where the straight baseline system provided for in article 4 is applied.

Article 8

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system shall be regarded as forming part of the coast.

Article 9

Roadsteads which are normally used for the loading, unloading and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, are included in the territorial sea. The coastal State must clearly demarcate such roadsteads and indicate them on charts together with their boundaries, to which due publicity must be given.

Article 10

1. An island is a naturally-formed area of land, surrounded by water, which is above water at high-tide.

2. The territorial sea of an island is measured in accordance with the provisions of these articles.

Article 11

1. A low-tide elevation is a naturally-formed area of land which is surrounded by and above water at low-tide but submerged at high tide. Where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea.

2. Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own.

Article 12

1. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The provisions of this paragraph shall not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance with this provision.

2. The line of delimitation between the territorial seas of two States lying opposite to each other or adjacent to each other shall be marked on large-scale charts officially recognized by the coastal States.

Article 13

If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-tide line of its banks.

SECTION III. RIGHT OF INNOCENT PASSAGE

Sub-section A. Rules Applicable to All Ships

Article 14

1. Subject to the provisions of these articles, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea.

2. Passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to internal waters, or making for the high seas from internal waters.

3. Passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or by distress.

4. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with these articles and with other rules of international law.

5. Passage of foreign fishing vessels shall not be considered innocent if they do not observe such laws and regulations as the coastal State may make and publish in order to prevent these vessels from fishing in the territorial sea.

6. Submarines are required to navigate on the surface and to show their flag.

Article 15

1. The coastal State must not hamper innocent passage through the territorial sea.

2. The coastal State is required to give appropriate publicity to any dangers to navigation, of which it has knowledge, within its territorial sea.

Article 16

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

2. In the case of ships proceeding to internal waters, the coastal State shall also have the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to those waters is subject.

3. Subject to the provisions of paragraph 4, the coastal State may, without discrimination amongst foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security.

Such suspension shall take effect only after having been duly published.

4. There shall be no suspension of the innocent passage of foreign ships through straits which are used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a foreign State.

Article 17

Foreign ships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law and, in particular, with such laws and regulations relating to transport and navigation.

Sub-section B. Rules Applicable to Merchant Ships

Article 18

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.

2. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services rendered to the ship. These charges shall be levied without discrimination.

Article 19

1. The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with and crime committed on board the ship during its passage, save only in the following cases:

- (a) If the consequences of the crime extend to the coastal State;
- or
- (b) If the crime is of a kind to disturb the peace of the country or the good order of the territorial sea; or
- (c) If the assistance of the local authorities has been requested by the captain of the ship or by the consul of the country whose flag the ship flies; or
- (d) If it is necessary for the suppression of illicit traffic in narcotic drugs.

2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.

3. In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, advise the consular authority of the flag State before taking any steps, and shall facilitate contact between such authority and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

4. In considering whether or how an arrest should be made, the local authorities shall pay due regard to the interests of navigation.

5. The coastal State may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

Article 20

1. The coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State.

3. The provisions of the previous paragraph are without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving internal waters.

Sub-section C. Rules Applicable to Government Ships Other Than Warships

Article 21

The rules contained in sub-sections A and B shall also apply to government ships operated for commercial purposes.

Article 22

1. The rules contained in sub-section A and in article 18 shall apply to government ships operated for non-commercial purposes.

2. With such exceptions as are contained in the provisions referred to in the preceding paragraph, nothing in these articles affects the immunities which such ships enjoy under these articles or other rules of international law.

Sub-section D. Rule Applicable to Warships

Article 23

If any warship does not comply with the regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance which is made to it, the coastal State may require the warship to leave the territorial sea.

Part II—CONTIGUOUS ZONE

1. In a zone of the high seas contiguous to its territorial sea, the coastal State may exercise the control necessary to:

(a) Prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea;

(b) Punish infringement of the above regulations committed within its territory or territorial sea.

2. The contiguous zone may not extend beyond twelve miles from the baseline from which the breadth of the territorial sea is measured.

3. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its contiguous zone beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two States is measured.

PART III—FINAL ARTICLES

Article 25

The provisions of this Convention shall not affect conventions or other international agreements already in force, as between States Parties to them.

Article 26

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

Article 27

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 28

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 26. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 29

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification of accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 30

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

Article 31

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 26:

(a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 26, 27 and 28;

(b) Of the date on which this Convention will come into force, in accordance with article 29;

(c) Of requests for revision in accordance with article 30.

Article 32

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 26.

IN WITNESS WHEREOF the undersigned Plenipotentiaries being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

TIAS 5639

PRESIDENT'S MESSAGE

THE WHITE HOUSE,
September 9, 1959.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of each of the following agreements:

- (1) convention on the territorial sea and the contiguous zone;
- (2) convention on the high seas;
- (3) convention on fishing and conservation of the living resources of the high seas;
- (4) convention on the continental shelf; and
- (5) optional protocol of signature concerning the compulsory settlement of disputes;

which agreements were formulated at the United Nations Conference on the Law of the Sea, held at Geneva from February 24, 1958, to April 27, 1958, and were dated at Geneva on April 29, 1958. The conventions, which were open for signature from April 29, 1958, until October 31, 1958, and the optional protocol, which was open for signature from the same date and continues open indefinitely, were signed on behalf of the United States of America on September 15, 1958, and have been signed on behalf of a number of other States.

I transmit also, for the information of the Senate, the report which the Acting Secretary of State has addressed to me in regard to this matter, together with the enclosures thereto.

In the event that the Senate advises and consents to ratification of the convention on fishing and conservation of the living resources of

the high seas, it is requested that it enter an understanding in its resolution of advice and consent as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive —, Eighty-Sixth Congress, first session, an agreement entitled "Convention on Fishing and Conservation of the Living Resources of the High Seas," adopted by the United Nations Conference on the Law of the Sea at Geneva on April 29, 1958.

It is the understanding of the Senate, which understanding inheres in its advice and consent to the ratification of this agreement, that such ratification shall not be construed to impair the applicability of the principle of "abstention," as defined in paragraph A.1 of the documents of record in the proceedings of the Conference above referred to, identified as A/CONF.13/C.3/L69, 8 April 1958.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *September 9, 1959.*

(Enclosures: (1) Report of the Acting Secretary of State; (2) commentaries; (3) certified copies of agreements of April 29, 1958; (4) certified copy of final act of the Conference, together with annexed resolutions.)

DEPARTMENT OF STATE,
Washington, September 2, 1959.

THE PRESIDENT,
The White House:

I have the honor to submit to the President, with a view to their transmission to the Senate to receive the advice and consent of that body to ratification, if the President approve thereof, a certified copy of each of the following agreements:

- (1) convention on the territorial sea and the contiguous zone;
- (2) convention on the high seas;
- (3) convention on fishing and conservation of the living resources of the high seas;
- (4) convention on the continental shelf; and
- (5) optional protocol of signature concerning the compulsory settlement of disputes;

which agreements were formulated at the United Nations Conference on the Law of the Sea, held at Geneva from February 24, 1958, to April 27, 1958, and were dated at Geneva on April 29, 1958. The conventions, which were open for signature from April 29, 1958, until October 31, 1958, and the optional protocol, which was open for signature from the same date and continues open indefinitely, were signed on behalf of the United States of America on September 15, 1958, and have been signed on behalf of a number of other states.

I transmit also, for the information of the Senate, a certified copy of the final act of the Conference, together with the annexed resolutions adopted by the Conference.

The International Law Commission of the United Nations at its first session in 1949 listed the regime of the high seas and the regime of the territorial sea as topics to be studied with a view to codification. Different aspects of this law were considered at the subsequent sessions, draft rules were prepared, and comments of governments were received and considered. The Commission completed its work at its

eight session (1956) and pursuant to General Assembly Resolution 899 (IX) of December 14, 1954, the Commission grouped together in its report all the rules it had adopted concerning the high seas, the territorial sea, the Continental Shelf, the contiguous zone, and the conservation of the living resources of the sea. These draft rules contained in 73 articles were divided into 2 parts; the first dealing with the territorial sea and the second with the high seas. The second part was divided into three sections: (1) General Regime of the High Seas, (2) Contiguous Zone, (3) Continental Shelf. Each article was accompanied by a commentary.

The final report of the Commission stated that its draft rules on the law of the sea were a mixture of codification of existing international law and recommendations for the progressive development of international law and that it had been unable to separate the two. In these circumstances the Commission pointed out that, to give effect to the project as a whole, it would be necessary to have recourse to conventional means. It therefore recommended that the United Nations General Assembly should summon an international conference of plenipotentiaries to examine the law of the sea, and to embody the results of its work in one or more international conventions.

Pursuant to that recommendation the General Assembly by Resolution 1105 (XI) of February 21, 1957, decided to convene an International Conference of Plenipotentiaries to examine the law of the sea, taking account not only of the legal but also of the technical, biological, economic, and political aspects of the problem, and to embody the results of its work in one or more international conventions or such other instruments as it might deem appropriate. The General Assembly also recommended that the Conference should study the question of free access to the sea of land-locked countries, as established by international practice or treaties.

The Conference met at the European Office of the United Nations at Geneva from February 24 to April 27, 1958. The governments of 86 states were represented. The principal working paper of the Conference was the International Law Commission draft report containing the 73 articles. On the basis of its deliberations, the Conference prepared and opened for signature the present conventions and optional protocol.

There are transmitted herewith brief commentaries dealing with each of the agreements. Provisions relating to land-locked countries, which provisions are included in two conventions, are discussed separately in the commentaries. Each convention provides that it will come into force on the 30th day following the date of deposit of the 22d instrument of ratification or accession with the Secretary General of the United Nations. In view of its nature, the optional protocol concerning the compulsory settlement of disputes contains no specific provisions on entry into force. It will, however, be applicable under the circumstances set forth therein as between any countries which are parties to the protocol and to any one or more of the conventions on the law of the sea.

It is recommended that the Senate, if it approves the convention on fishing and conservation of the living resources of the high seas,

enter an understanding in its resolution of advice and consent as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive —, Eighty-sixth Congress, first session, an agreement entitled "Convention on Fishing and Conservation of the Living Resources of the High Seas," adopted by the United Nations Conference on the Law of the Sea at Geneva on April 29, 1958.

It is the understanding of the Senate, which understanding inheres in its advice and consent to the ratification of this agreement, that such ratification shall not be construed to impair the applicability of the principle of "abstention," as defined in paragraph A.1 of the documents of record in the proceedings of the Conference above referred to, identified as A/CONF.13/C.3/L.69, 8 April 1958.

The text of paragraph A.1 of document A/CONF.13/C.3/L.69, April 8, 1958, referred to above, as well as background information regarding the proposed understanding, is included in the enclosed commentary on the convention on fishing and conservation of the living resources of the high seas.

In view of the failure of the Conference to agree on the breadth of the territorial sea and on the related problem of exclusive fisheries rights in a contiguous zone, as set forth in the enclosed commentaries, there is a popular impression that the Conference was not a success. It is believed that the commentaries indicate this is far from the truth. Had the Conference only agreed on the other rules in the convention on the territorial sea, particularly those on straight baselines, the right of innocent passage and the contiguous zone, it would have been well worth while. But it did a great deal more. The conventions on the high seas and the Continental Shelf, while largely expressive of existing international law and practice, nevertheless by much needed codification give agreed form and certainty to the law. The convention on fisheries conservation lays down rules of law based on sound conservation principles which should do much to assure the preservation and increase of an important source of the world's food. Ratification of these conventions by a large number of states will be an outstanding contribution to international law. Finally, by agreeing on these rules, the Conference has cleared the way for concentration on the unresolved questions of the breadth of the territorial sea and exclusive fisheries rights for the coastal state.

The United States has played an active and prominent role in formulating the present agreements and it is hoped that the agreements will be given early and favorable consideration by the Senate.

The Departments of Defense, Interior, and Justice, the Atomic Energy Commission, the Federal Communications Commission, and the Maritime Administration, to the extent such Departments and agencies are concerned therewith, concur in such submission of the agreements to the Senate.

Respectfully submitted.

DOUGLAS DILLON,
Acting Secretary.

(Enclosures: (1) Commentaries; (2) certified copies of agreements of April 29, 1958; (3) certified copy of final act of the Conference, together with annexed resolutions.)

COMMENTARIES

I. CONVENTION ON THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE

This convention is the work of the First Committee of the United Nations Conference on the Law of the Sea. It contains 32 articles. The first two articles provide that the sovereignty of a state extends beyond its land territory and its internal waters to a belt of sea adjacent to its coast described as the territorial sea; and that its sovereignty extends also to the airspace over the territorial sea as well as to its bed and subsoil.

Article 3 provides that the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast.

Article 4 provides that the method of straight baselines joining appropriate points may be used in drawing the baseline for the territorial sea in localities where the coast is deeply indented and cut into or if there is a fringe of islands along the coast in its immediate vicinity. Where straight baselines are justified by these criteria account may be taken in determining particular baselines of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by long usage. Thus, while the use of straight baselines is not permissible on economic grounds alone, nevertheless where straight baselines are justified by geographic conditions, economic interests of long standing may be taken into account in determining particular baselines. Where the use of straight baselines results in enclosing as internal waters areas which had previously been part of the territorial sea or of the high seas, a right of innocent passage is guaranteed by article 5. These articles on straight baselines are among the most important in the convention. While the use in certain circumstances of the straight baseline method in delimiting the territorial sea was confirmed as international law by the International Court of Justice in the *Norwegian Fisheries* case, the decision is in such imprecise terms that the limits of the rule are difficult of ascertainment. It is believed that the formulation of the straight baseline rule set out in the convention is a distinct advance.

Article 7 of the convention relates to bays, the coasts of which belong to a single state. Its most significant change of existing international law is the provision for a 24-mile closing line for bays. Prior to the decision of the International Court of Justice in the *Norwegian Fisheries* case, the United States and other important maritime countries had regarded the 10-mile closing line rule as established international law. The Court's holding that this rule was not sufficiently established left the true legal situation in doubt. Adoption of article 7 will remove that uncertainty.

The convention also provides that roadsteads are included in the territorial sea and that islands have a territorial sea of their own.

Article 12 of the convention provides that in delimiting the territorial sea where the coasts of two states are opposite or adjacent to each other neither state is entitled to extend its territorial sea beyond the median line, every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two states is measured.

Articles 14 through 17 deal with the right of innocent passage through the territorial sea. Passage is defined as "innocent" so long as it is not prejudicial to the peace, good order, or security of the coastal state. It is believed that this definition furnishes a clear, simple, and precise definition of innocent passage, something which has not heretofore existed in international law, and that it affords to maritime navigation the greatest freedom of movement consistent with the necessity of the coastal state to protect itself. So far as foreign fishing vessels are concerned, however, the right of passage is restricted more. Their passage is not considered innocent if they do not also observe the laws and regulations made and published by the coastal state to prevent such vessels from fishing in the territorial sea. Article 16 provides for the temporary suspension in specified areas of the territorial sea of the right of innocent passage for security reasons but no suspension of the right of innocent passage of foreign ships through straits which are used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a foreign state is permissible.

The convention contains articles along traditional lines providing that the coastal state should not exercise criminal or civil jurisdiction with respect to foreign ships passing through the territorial sea or with respect to persons on board except in the unusual circumstances enumerated in the convention.

The convention also provides in article 21 that government ships operated for commercial purposes are subject to the same rules as other merchant ships. This provision was opposed by the Soviet Union and other state-trading countries which desired immunity for such vessels.

Of special importance is article 24, which provides that in a zone of the high seas contiguous to its territorial sea—which zone may not extend beyond 12 miles from the base line of the territorial sea—the coastal state may exercise the control necessary to (a) prevent infringement of its customs, fiscal, immigration, or sanitary regulations within its territory or territorial sea; (b) punish infringement of the above regulations committed within its territory or territorial sea. The Hague Codification Conference of 1930 failed to agree on a contiguous zone and, although it has become fairly common practice in the meantime for the coastal state to exercise a special jurisdiction in a limited area of the high seas contiguous to the territorial sea, particularly in customs matters, no definite rule of international law had heretofore been agreed upon.

The International Law Commission draft contained an article providing that the coastal state could make the passage of warships through its territorial sea subject to previous authorization or notification, although normally it would grant innocent passage. Neither this proposal nor substitute proposals making the right of innocent passage of warships subject only to previous notification to the coastal state could obtain the two-thirds majority required for adoption by the conference.

There is one patent and serious omission from this convention. It contains no article on the breadth of the territorial sea. The International Law Commission was unable to agree on any rule on the breadth of the territorial sea and the conference fared no better.

This subject and the closely related one of the extent to which the coastal state should have exclusive fishing rights in the sea off its coast were topics of long and sometimes bitter debate without any conclusion being reached. No proposal received an absolute majority of the votes of the conference except the United States proposal for a 6-mile territorial sea, plus exclusive fishing rights for the coastal state in a contiguous 6-mile zone subject to fishing results of other states established through fishing over a 5-year period. The vote on this proposal was 45 in favor and 33 against, thus failing the two-thirds required for adoption.

The U.S. proposal was a compromise proposal in an effort to achieve agreement on the breadth of the territorial sea. When that effort failed, the chairman of the American delegation to the conference, Arthur H. Dean, stated:

Our offer to agree on a 6-mile breadth of the territorial sea, provided agreement could be reached on such a breadth under certain conditions, was simply an offer and nothing more. Its nonacceptance leaves the preexisting situation intact.

We have made it clear from the beginning that in our view the 3-mile rule is and will continue to be established international law, to which we adhere. It is the only breadth of the territorial sea on which there has even been anything like common agreement. Unilateral acts of states claiming greater territorial seas are not only not sanctioned by any principle of international law, but are indeed in conflict with the universally accepted principle of freedom of the seas.

He noted further that—

We have made it clear that in our view there is no obligation on the part of the states adhering to the 3-mile rule to recognize claims on the part of other states to a greater breadth of the territorial sea. On that we stand.

II. CONVENTION ON THE HIGH SEAS

This convention is the work of the Second Committee of the Conference. It contains 37 articles. These articles define the term "high seas" as comprising all parts of the sea that are not included in the territorial sea or in the internal waters of a state and declare that the freedom of the high seas comprises, *inter alia*, freedom of navigation, freedom of fishing, freedom to lay submarine cables and pipelines, and freedom to fly over the high seas. With respect to these provisions, a proposal to insert provisions in the convention banning nuclear testing on the high seas and military exercises in areas near foreign coasts or on international sea routes was defeated. A resolution was passed referring the matter of nuclear testing to the General Assembly of the United Nations for appropriate action.

The convention also establishes that every state, whether coastal or not, has the right to sail ships under its flag on the high seas. In this connection, article 5 of the convention declares that each state shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. This proviso was subjected to the caveat that there must exist a genuine link between the state and the ship and that, in particular, the state must effectively exercise its jurisdiction and control in administrative, technical, and social matters over ships flying its flag. With respect to the provisions of article 5, the United States supported the successful efforts of the newer nations of Africa, Asia, and Latin America to eliminate from this article a provision contained in the

original International Law Commission draft which would have enabled states other than the flag state to withhold recognition of the national character of a ship if they considered there was no "genuine link" between the state and the ship. In the absence of any definition of "genuine link" such a provision would have been capable of much mischief. The convention also provides that ships shall sail under the flag of one state only and that a ship which sails under the flags of two or more states, using them according to convenience, may be assimilated to a ship without nationality.

Article 8 of the convention defines warships and states that such ships on the high seas have complete immunity from the jurisdiction of any state other than the flag state. Another article states that ships owned or operated by a state and used only on government non-commercial service shall, on the high seas, have the same immunity as warships. With respect to this article, the Soviet bloc sought unsuccessfully to assimilate all government ships, whether commercial or noncommercial, to warships.

Also included in the convention is an article pertaining to safety at sea which requires states to issue regulations with regard, *inter alia*, to the use of signals, the manning of ships, labor conditions for crews, and the construction, equipment and seaworthiness of ships. These provisions concerning safety of navigation are very similar to the provisions in existing conventions.

Article 11 of the convention in effect reverses the decision of the Permanent Court of International Justice in the *Lotus* case and states that only the flag state, or the state of which the accused is a national, may exercise penal jurisdiction in matters of collision or with respect to any other incident of navigation concerning a ship on the high seas. This article also provides that only the issuing state may withdraw licenses, masters' certificates, or certificates of competence and finally that only the authorities of the flag state may order the arrest or detention of a ship.

The convention also obliges a state to require masters of ships flying its flag to render assistance to and to proceed to the rescue of persons and ships in distress on the high seas. These provisions with respect to the duty to render assistance are already to a large extent reflected in our domestic legislation.

Article 13 of the convention declares that every state shall adopt effective measures to prevent and punish the transport of slaves in ships authorized to fly its flag, and to prevent the unlawful use of its flag for that purpose.

Also included in the convention are eight articles dealing with the suppression of piracy. These articles dealing with slavery and piracy correspond closely to those drafted by the International Law Commission and reflect the existing state of international law on the subject.

Article 22 establishes the right of warships to visit foreign merchant ships on the high seas if there is reasonable ground for suspecting that the ship is engaged in piracy or the slave trade or if the ship, though flying a foreign flag or refusing to show its flag, is actually of the same nationality as the warship.

Article 23 of the convention states that hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal

state have good reason to believe that the ship has violated the laws and regulations of that state. The article sets forth in some detail in what manner and under what conditions such pursuit may be undertaken. It permits hot pursuit of a ship which is in the contiguous zone of the pursuing state, if there has been a violation of the rights for the protection of which the zone was established. (See art. 24 of the convention on the territorial sea and the contiguous zone.)

The convention contains two articles dealing with the pollution of the high seas. Article 24 requires every state to draw up regulations to prevent pollution of the seas by the discharge of oil from ships or pipelines or resulting from the exploitation and exploration of the seabed and its subsoil. A separate article was adopted which requires states to take measures to prevent the pollution of the seas from the dumping of radioactive waste. States are also required, by the provisions of this article, to cooperate with competent international organizations in the prevention of the pollution of the seas or superjacent airspace. The conference also adopted a joint resolution proposed by the United States and the United Kingdom referring the matter of pollution of the sea by radioactive waste to the International Atomic Energy Agency.

The convention contains four articles regulating the placing of submarine cables and pipelines on the bed of the high seas. The United States at first urged that the Conference refrain from dealing with this subject in view of the existing conventions on the subject, but withdrew its objection on the understanding that existing conventions or other international agreements already in force would not be affected. This understanding is embodied in article 30 of the convention.

The convention on the high seas is, as is stated in its preamble, "generally declaratory of established principles of international law." Although many of the provisions of this convention are already embodied in existing conventions, the present convention gives the opportunity to the newer nations of the international community to subscribe formally to these principles of international law without becoming parties to the existing specialized conventions which may not on the whole serve their needs.

III. CONVENTION ON FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE HIGH SEAS

This convention resulted from the work of the Third Committee. It contains 22 articles.

Article 1 of the convention confirms the historic freedom of all nations to fish upon the high seas, but also imposes a new duty upon all states to adopt, or to cooperate with other states in adopting, for their nationals such measures as may be necessary for the conservation of the living resources of the high seas.

Article 2 defines the term "conservation of the living resources of the sea" as referring to "the aggregate of the measures rendering possible the optimum sustainable yield from these resources so as to secure a maximum supply of food and other marine products."

The framework for a new system of international cooperation for fishery conservation purposes is provided for by articles 3 to 8 which

spell out new rights and duties for both the fishing and coastal states which become parties to the convention. Thus, under article 3, a state whose nationals fish in any area of the high seas where nationals of other states do not fish must adopt conservation measures when necessary. Article 4 provides that if the nationals of two or more states fish the same stock or stocks of fish in a given area or areas of the high seas, these states shall, upon the request of any of them, enter into negotiations to prescribe any necessary conservation measures for their nationals. Article 5 obliges other states which subsequently fish an area to apply measures adopted for that area under articles 3 and 4 to their own nationals not later than seven months after these measures have been notified to the Director General of the Food and Agricultural Organization of the United Nations. If the other states concerned do not accept the existing measures and if no agreement is reached within twelve months, any interested party can resort to a compulsory method for the settlement of disputes.

Article 6 recognizes that a coastal state has a special interest in the conservation of the living resources of any high seas area adjacent to its territorial sea even though its nationals do not fish there. Article 7 provides that a coastal state may, if negotiations with the interested fishing states have not led to agreement within 6 months and if an emergency situation exists, unilaterally promulgate nondiscriminatory conservation regulations which will be binding upon other states.

Another important section of the convention (Arts. 9-11) provides for a compulsory and speedy settlement by a five-man special commission of any dispute arising under articles 4 through 8. Article 10 sets forth the criteria to be applied by the Commission in determining the necessity for or the adequacy of conservation measures.

While the traditional freedom of fishing in the high seas is confirmed by this convention, it is subject to the obligation to comply with conservation measures under the conditions and in the circumstances foreseen by the convention.

The United States would have preferred that the convention include a provision on abstention. Agreement could not, however, be reached on inclusion of such a provision and a resolution was proposed on the subject, which resolution failed by a narrow margin to secure the necessary two-thirds vote.

The provision on abstention which was proposed for inclusion in the convention is contained in paragraph A.1 of the documents of record in the proceedings of the Conference, identified as "A/CONF.13/C.3/L.69, 8 April 1958," and reads as follows:

1. Where the nationals of a coastal State, alone or with the nationals of one or more other States, are (a) fishing a stock of fish in an area of the high seas adjacent to the territorial sea of the coastal State with such intensity that an increase in fishing effort will not result in a substantial increase in the yield which can be maintained year after year, and (b) where the maintenance of the current yield, or when possible, the further development of it is dependent upon a conservation programme carried out by those States, involving research and limitations upon the size or quantity of the fish which may be caught, then (c) States whose nationals are not fishing the stock regularly or which have not theretofore done so within a reasonable period of time, shall abstain from fishing such stock, provided however that this shall not apply to any coastal State with respect to fishing any stock in waters adjacent to its territorial sea.

At the conclusion of the Conference the chairman of the United States delegation made the following statement:

The delegation of the United States of America considers that the agreement concerning fisheries reached at the Conference represents a significant forward step by the international community toward the achievement of the objective of conservation of marine resources and the maximum utilization of such resources in behalf of the general interests. The delegation regrets nevertheless that the resolution regarding the abstention procedure did not receive the two-thirds majority required for its adoption by the Conference. The U.S. Government considers that this procedure is an essential measure to protect and conserve the living resources of the sea. Experience demonstrates that in certain situations it is the only factor which will encourage states to expend the time, effort, and money on research and management, and to impose the restraints on their fishermen that are required to restore and maintain the productivity of a stock of fish.

For these reasons the United States will continue to pursue the objective of the general acceptance of the procedure of abstention, and will enter into agreements with interested states which will incorporate this sound conservation measure.

It is considered desirable that the Senate of the United States advise and consent to ratification of the agreement with the understanding that ratification of the agreement shall not be construed to impair the applicability of the principle of abstention.

IV. CONVENTION ON THE CONTINENTAL SHELF

This convention is the work of the Fourth Committee of the Conference. It contains 15 articles. Probably the most important of these are the first three articles.

Article 1 defines the term "Continental Shelf" as meaning the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas. It also includes the seabed and subsoil of similar areas adjacent to the coasts of islands.

The Continental Shelf as a legal concept is only of recent origin. The first important formulation of this concept was the Truman proclamation of September 28, 1945, which stated that the Government of the United States regarded the natural resources of the subsoil and seabed of the Continental Shelf contiguous to the coast of the United States as "appertaining" to the United States and subject to its "jurisdiction and control." The Truman proclamation did not define the term "Continental Shelf" but a contemporaneous White House press release indicated that the term referred to submerged land contiguous to the coast which is covered by no more than 100 fathoms of water. The definition in the convention combines both the depth and exploitability tests as did the International Law Commission draft.

Article 2 of the convention provides that the coastal state exercises over the continental shelf "sovereign rights" for the purpose of exploring and exploiting its natural resources. These rights are exclusive. The term "sovereign rights" was contained in the International Law Commission draft and was a compromise between the views of those states which desired to use the term "sovereignty" and those which preferred "jurisdiction and control." As article 2 makes clear that

the rights of the coastal state are exclusive and as article 3 of the convention provides that the rights of the coastal state over the continental shelf do not affect the legal status of the superjacent waters as high seas or that of the airspace above those waters, the distinctions between sovereignty, sovereign rights, and exclusive jurisdiction and control are perhaps not of great practical importance.

The Continental Shelf doctrine is well established in international practice and all the substantive articles of the convention were adopted by large majorities. The only real controversy concerned the definition of "natural resources" of the shelf. The International Law Commission draft contains no definition. The Conference adopted a joint proposal of Australia, Ceylon, Malaya, India, Norway, and the United Kingdom defining natural resources as the mineral and other nonliving resources of the seabed and subsoil, together with living organisms which at the harvestable stage either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil.

LANDLOCKED COUNTRIES

As has been indicated above, the Conference on the Law of the Sea was asked by the United Nations General Assembly (Res. 1105 (XI) of February 21, 1957) to—

* * * study the question of free access to the sea of landlocked countries as established by international practice or treaties.

This subject was considered by the Fifth Committee of the Conference.

As a result of the work of the Fifth Committee, article 14 of the convention on the territorial sea and the contiguous zone, *supra*, contains the words "whether coastal or not" to indicate clearly that the right of innocent passage through the territorial sea applies to ships of landlocked countries as well as to ships of coastal states. This phrase "whether coastal or not" was also inserted in article 4 of the convention on the high seas to clearly establish that landlocked states as well as coastal states have the right to sail ships under their own maritime flags on the high seas.

The Fifth Committee also drafted several provisions which are incorporated in the convention on the high seas as article 3 of that convention. These provisions declare that states without a seacoast should have free access to the sea, and that by common agreement with the coastal states and in conformity with existing international conventions, landlocked states shall enjoy free transit to the sea, on a basis of reciprocity. These provisions also give to the ships of landlocked states, subject to the accord of the coastal state, national and most-favored-nation treatment in the ports of coastal states.

In its deliberations and in accordance with its mandate from the United Nations General Assembly, the Fifth Committee took into consideration a number of existing international conventions and agreements affecting landlocked countries such as the convention and statute of freedom of transit, the convention, statute, and protocol on the regime of navigable waterways of international concern, and the declaration recognizing the right to a flag of states having no seacoast, all signed at Barcelona on April 20, 1921. Also taken into consideration by the committee was the convention and statute on the

international regime of maritime ports and protocol of signature, concluded at Geneva on December 9, 1923.

The result of the work of the Fifth Committee clearly established the principles that landlocked countries should have free access to the sea and that they should enjoy the freedom of the seas on a basis of equality with coastal states. The provisions which the conference adopted concerning landlocked countries squarely placed these principles in the conventions on the law of the sea. These provisions also make it possible for the newer nations of the international community to adhere to principles which had been established by conventions which came into force prior to the emergence of some of these countries as sovereign states.

The provisions formulated by the Fifth Committee also protect the rights of coastal states by making the consent of the coastal states a necessary condition precedent to the enjoyment by land locked states of any facilities or privileges in the coastal states. The provisions, furthermore, state that the right of free transit must be enjoyed on a basis of reciprocity.

In the course of the deliberations of the Fifth Committee, the United States and a number of other countries that were neither landlocked nor transit states were instrumental in formulating the eventual compromise provisions which embodied to a large extent the aspirations of the states without a seacoast while at the same time protecting the legitimate interests of the transit states.

V. OPTIONAL PROTOCOL OF SIGNATURE CONCERNING THE COMPULSORY SETTLEMENT OF DISPUTES

This protocol developed from proposals which were made by various governments to the Conference and was formulated by the Conference and the Drafting Committee.

Article I provides that disputes arising out of the interpretation or application of any convention on the law of the sea shall lie within the compulsory jurisdiction of the International Court of Justice, and may accordingly be brought before the Court by an application made by any party to the dispute being a party to the protocol.

Article II provides that this undertaking relates to all the provisions of any convention on the law of the sea except, in the convention on fishing and conservation of the living resources of the high seas, articles 4, 5, 6, 7, and 8, to which articles 9, 10, 11, and 12 of that convention remain applicable.

The parties may agree to resort to an arbitral tribunal, pursuant to article III, or may agree to adopt a conciliation procedure, pursuant to article IV, before resorting to the International Court of Justice.



E. SEALS

- (1) Interim convention on conservation of North Pacific fur seals.
Signed at Washington February 9, 1957; entered into force for the
United States October 14, 1957.
8 UST 2283; TIAS 3948; 314 UNTS 105.

States which are parties:

Canada
Japan

Union of Soviet Socialist
Republics
United States

- (2) Protocol amending the Interim Convention on Conservation of
North Pacific Fur Seals.
Signed at Washington October 9, 1963, entered into force for the
United States April 10, 1964. TIAS 5558.

States which are parties:

Canada
Japan

Union of Soviet Socialist
Republics
United States

NORTH PACIFIC FUR SEALS*

Interim Convention Between the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics

(Multilateral)

*Interim convention signed at Washington February 9, 1957;
Ratification advised by the Senate of the United States of America
August 8, 1957;
Ratified by the President of the United States of America August
30, 1957;
Ratifications deposited with the Government of the United States of
America as follows: by the United States of America and by Can-
ada on September 16, 1957; by Japan on September 20, 1957; and
by the Union of Soviet Socialist Republics on October 14, 1957;
Proclaimed by the President of the United States of America No-
vember 15, 1957;
Entered into force October 14, 1957.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS an interim convention on conservation of North Pacific fur seals was signed at Washington on February 9, 1957 by the respective representatives of the Governments of the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics;

WHEREAS the text of the said convention, in the English language, is word for word as follows:

INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America,

Desiring to take effective measures towards achieving the maximum sustainable productivity of the fur seal resources of the

*North Pacific Fur Seal Convention—"Japan Ratifies Protocol Amending Interim Convention on Conservation of Fur Seals: On April 10, 1964, Japan deposited ratification of a Protocol amending the Interim Convention on Conservation of the North Pacific Fur Seals. The Protocol (done at Washington, D.C., October 8, 1963) relates to the continuation of the Interim Convention for another six-year period and reflects the recommendations adopted by the North Pacific Fur Seal Commission on November 30, 1962. The Protocol entered into force on April 10, 1964." (Bulletin, U.S. Department of State, April 27, 1964.)

NOTE: See Commercial Fisheries Review, April 1964 p. 48; December 1963 p. 52.

North Pacific Ocean so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year, with due regard to their relation to the productivity of other living marine resources of the area,

Recognizing that in order to determine such measures it is necessary to conduct adequate scientific research on the said resources, and

Desiring to provide for international cooperation in achieving these objectives,

Agree as follows:

ARTICLE I

1. The term "pelagic sealing" is hereby defined for the purposes of this Convention as meaning the killing, taking, or hunting in any manner whatsoever of fur seals at sea.

2. The words "each year", "annual" and "annually" as used hereinafter refer to Convention year, that is, the year beginning on the date of entry into force of the Convention.

3. Nothing in this Convention shall be deemed to affect in any way the position of the Parties in regard to the limits of territorial waters or to the jurisdiction over fisheries.

ARTICLE II

1. In order to realize the objectives of this Convention, the Parties agree to coordinate necessary scientific research programs and to cooperate in investigating the fur seal resources of the North Pacific Ocean to determine:

(a) what measures may be necessary to make possible the maximum sustainable productivity of the fur seal resources so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year; and

(b) what the relationship is between fur seals and other living marine resources and whether fur seals have detrimental effects on other living marine resources substantially exploited by any of the Parties and, if so, to what extent.

2. The research referred to in the preceding paragraph shall include studies of the following subjects:

(a) size of each fur-seal herd and its age and sex composition;

(b) natural mortality of the different age groups and recruitment of young to each age or size class at present and subsequent population levels;

(c) with regard to each of the herds, the effect upon the magnitude of recruitment of variations in the size and the age and sex composition of the annual kill;

(d) migration routes of fur seals and their wintering areas;

(e) numbers of seals from each herd found on the migration routes and in wintering areas and their ages and sexes;

(f) extent to which the food habits of fur seals affect commercial fish catches and the damage fur seals inflict on fishing gear; and

(g) other subjects involved in achieving the objectives of the Convention, as determined by the Commission established under Article V, paragraph 1.

3. In furtherance of the research referred to in this Article, each of the Parties agrees to carry out, each year after the entry into force of the Convention, the programs set forth in the Schedule annexed to the Convention with any modifications thereof made pursuant to Article V, paragraph 3. The said Schedule, together with any such modifications, shall be considered an integral part of this Convention.

4. Each Party agrees to provide the Commission annually with information on:

- (a) number of black pups tagged for each breeding area;
- (b) number of fur seals, by sex and estimated age, taken at sea and on each breeding area; and
- (c) tagged seals recovered on land and at sea;

and, so far as is practicable, other information pertinent to scientific research which the Commission may request.

5. The Parties further agree to provide for the exchange of scientific personnel; each such exchange shall be subject to mutual consent of the Parties directly concerned.

6. The Parties agree to use for the scientific pelagic research provided for in this Article only government-owned or government-chartered vessels operating under strict control of their respective authorities. Each Party shall communicate to the other Parties the names and descriptions of vessels which are to be used for pelagic research.

ARTICLE III

In order to realize the purposes of the Convention, including the carrying out of the coordinated and cooperative research, each Party agrees to prohibit pelagic sealing, except as provided in Article II, paragraph 3 and the Schedule, in the Pacific Ocean north of the 30th parallel of north latitude including the seas of Bering, Okhotsk, and Japan by any person or vessel subject to its jurisdiction.

ARTICLE IV

1. Each Party shall bear the expense of its own research. Title to sealskins taken during the research shall vest in the Party conducting such research.

2. If the total number of seals of the Commander Islands breeding grounds decreases and falls below 50,000 head, according to data in official records, then commercial killing of seals and apportionment of skins may be suspended by the Union of Soviet Socialist Republics until the number of seals exceeds 50,000 head. This provision also applies to the fur seal herd of Robben Island, if the population of that herd becomes less than 50,000 head.

3. The Government of the Union of Soviet Socialist Republics upon suspending such sealing shall so inform the other Parties. In this case the Commission shall determine whether or not to reduce the level of or to suspend completely the pelagic sealing for scientific purposes in the Western Pacific Ocean during the period of the said suspension.

4. The Commission may, subsequent to the second year of operation of the Convention, modify the floor figure set forth in paragraph 2 of this Article in accordance with its findings based upon scientific data received by it; and if any such modifications are made, paragraph 2 of this Article shall be considered amended accordingly. The Commission shall notify each Party of every such amendment and of the effective date thereof.

ARTICLE V

1. The Parties agree to establish the North Pacific Fur Seal Commission to be composed of one member from each Party.

2. The duties of the Commission shall be to:

(a) formulate and coordinate research programs designed to achieve the objectives set forth in Article II, paragraph 1;

(b) recommend these coordinated research programs to the respective Parties for implementation;

(c) study the data obtained from the implementation of such coordinated research programs;

(d) recommend appropriate measures to the Parties on the basis of the findings obtained from the implementation of such coordinated research programs, including measures regarding the size and the sex and age composition of the seasonal commercial kill from a herd; and

(e) recommend to the Parties at the end of the fifth year after entry into force of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, at a later year, the methods of sealing best suited to achieve the objectives of this Convention; the above-mentioned later year shall be fixed by the Parties at the meeting early in the sixth year provided for in Article XI.

3. The Commission may, subsequent to the first year of operation of the Convention, modify in accordance with its scientific findings the research programs set forth in the Schedule and, if any such modifications are made, the Schedule shall be considered amended accordingly. The Commission shall notify each Party of every such amendment and of the effective date thereof.

4. Each Party shall have one vote. Decisions and recommendations shall be made by unanimous vote. With respect to any recommendations regarding the size and the sex and age composition of the seasonal commercial kill from a herd, only those Parties sharing in the sealskins from that herd under the provisions of Article IX, paragraph 1 shall vote.

5. The Commission shall elect from its members a Chairman and other necessary officials and shall adopt rules of procedure for the conduct of its work.

6. The Commission shall hold an annual meeting at such time and place as it may decide. Additional meetings shall be held when requested by two or more members of the Commission. The time and place of the first meeting shall be determined by agreement among the Parties.

7. The expenses of each member of the Commission shall be paid by his own Government. Such joint expenses as may be incurred by the Commission shall be defrayed by the Parties by equal contribu-

tions. Each Party shall also contribute to the Commission annually an amount equivalent to the value of the sealskins it confiscates under the provisions of Article VI, paragraph 5.

8. The Commission shall submit an annual report of its activities to the Parties.

9. The Commission may from time to time make recommendations to the Parties on any matter which relates to the fur seal resources or to the administration of the Commission.

ARTICLE VI

In order to implement the provisions of Article III, the Parties agree as follows:

1. When a duly authorized official of any of the Parties has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the Parties is offending against the prohibition of pelagic sealing as provided for by Article III, he may, except within the territorial waters of another State, board and search such vessel. Such official shall carry a special certificate issued by the competent authorities of his Government and drawn up in the English, Japanese, and Russian languages which shall be exhibited to the master of the vessel upon request.

2. When the official after searching a vessel continues to have reasonable cause to believe that the vessel or any person on board thereof is offending against the prohibition, he may seize or arrest such vessel or person. In that case, the Party to which the official belongs shall as soon as possible notify the Party having jurisdiction over the vessel or person of such arrest or seizure and shall deliver the vessel or person as promptly as practicable to the authorized officials of the Party having jurisdiction over the vessel or person at a place to be agreed upon by both Parties; provided, however, that when the Party receiving notification cannot immediately accept delivery of the vessel or person, the Party which gives such notification may, upon request of the other Party, keep the vessel or person under surveillance within its own territory, under the conditions agreed upon by both Parties.

3. The authorities of the Party to which such person or vessel belongs alone shall have jurisdiction to try any case arising under Article III and this Article and to impose penalties in connection therewith.

4. The witnesses or their testimony and other proofs necessary to establish the offense, so far as they are under the control of any of the Parties, shall be furnished with all reasonable promptness to the authorities of the Party having jurisdiction to try the case.

5. Sealskins discovered on seized vessels shall be subject to confiscation on the decision of the court or other authorities of the Party under whose jurisdiction the trial of a case takes place.

6. Full details of punitive measures applied to offenders against the prohibition shall be communicated to the other Parties not later than three months after the application of the penalty.

ARTICLE VII

The provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or Eskimos dwelling on the coast of the waters mentioned in Article III, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such hunters are not in the employment of other persons or under contract to deliver the skins to any person.

ARTICLE VIII

1. Each Party agrees that no person or vessel shall be permitted to use any of its ports or harbors or any part of its territory for any purpose designed to violate the prohibition set forth in Article III.

2. Each Party also agrees to prohibit the importation and delivery into and the traffic within its territories of skins of fur seals taken in the area of the North Pacific Ocean mentioned in Article III, except only those taken by the Union of Soviet Socialist Republics or the United States of America on rookeries, those taken at sea for research purposes in accordance with the Schedule, those taken under the provisions of Article VII, those confiscated under the provisions of Article VI, paragraph 5, and those inadvertently captured which are taken possession of by a Party; provided, however, that all such excepted skins shall be officially marked and duly certified by the authorities of the Party concerned.

ARTICLE IX

1. The respective Parties agree that, of the total number of seal-skins taken commercially each season on land, there shall at the end of the season be delivered a percentage of the gross in number and value thereof as follows:

By the Union of Soviet Socialist	to Canada	15 per cent
Republics	to Japan	15 per cent
By the United States of	to Canada	15 per cent
America	to Japan	15 per cent

2. Each Party agrees to deliver such sealskins to an authorized agent of the recipient Party at the place of taking, or at some other place mutually agreed upon by such Parties.

3. In order more equitably to divide the direct and indirect costs of pelagic research in the Western Pacific Ocean, it is agreed:

(a) that in any year in which commercial killing is carried out for both the Commander and Robben Islands herds and pelagic research in that area is carried on at a level of 2,000 or more seals:

(1) Canada and Japan will forego the delivery of the seal-skins by the Union of Soviet Socialist Republics as set forth in paragraph 1 of this Article; and

(2) the United States of America will increase its delivery to Canada and Japan as set forth in paragraph 1 of this Article by a total of 375 sealskins to each of these Parties;

(b) that in any year in which commercial killing is carried out for one only of the Commander or Robben Islands herds and pelagic research in that area is carried on at a level of 1,000 or more seals:

(1) Canada and Japan will forego the delivery of the sealskins by the Union of Soviet Socialist Republics as set forth in paragraph 1 of this Article; and

(2) the United States of America will increase its delivery to Canada and Japan as set forth in paragraph 1 of this Article by a total of 188 sealskins to each of these Parties.

ARTICLE X

1. Each Party agrees to enact and enforce such legislation as may be necessary to guarantee the observance of this Convention and to make effective its provisions with appropriate penalties for violation thereof.

2. The Parties further agree to cooperate with each other in taking such measures as may be appropriate to carry out the purposes of this Convention, including the prohibition of pelagic sealing as provided for by Article III.

ARTICLE XI

The Parties agree to meet early in the sixth year of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, to meet again at a later year, to consider the recommendations of the Commission made in accordance with Article V, paragraph 2(e) and to determine what further agreements may be desirable in order to achieve the maximum sustainable productivity of the North Pacific fur seal herds. The above-mentioned later year shall be fixed by the Parties at the meeting early in the sixth year.

ARTICLE XII

Should any Party consider that the obligations of Article II, paragraphs 3, 4, or 5 or any other obligation undertaken by the Parties is not being carried out and notify the other Parties to that effect, all the Parties shall, within three months of the receipt of such notification, meet to consult together on the need for and nature of remedial measures. In the event that such consultation shall not lead to agreement as to the need for and nature of remedial measures, any Party may give written notice to the other Parties of intention to terminate the Convention and, notwithstanding the provisions of Article XIII, paragraph 4, the Convention shall thereupon terminate as to all the Parties nine months from the date of such notice.

ARTICLE XIII

1. This Convention shall be ratified and the instruments of ratification deposited with the Government of the United States of America as soon as practicable.

2. The Government of the United States of America shall notify the other signatory Governments of ratifications deposited.

3. This Convention shall enter into force on the date of the deposit of the fourth instrument of ratification, and upon such entry into force Article IX, paragraphs 1 and 2, shall be deemed to have been operative from June 1, 1956, provided that the Parties shall have, from the date of signing, maintained under their internal law the prohibition and effective prevention of pelagic sealing by all persons and vessels subject to their respective jurisdictions.

4. The present Convention shall continue in force for six years and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until the expiration of one year after such period of six years, whichever may be the earlier; provided, however, that it may continue in force for a further period if the Parties so decide at the meeting early in the sixth year provided for in Article XI.

5. The original of this Convention shall be deposited with the Government of the United States of America, which shall communicate certified copies thereof to each of the Governments signatory to the Convention.

SCHEDULE

1. The United States of America each year during the first four years shall tag 50,000 black pups on the Pribilof Islands.

2. The Union of Soviet Socialist Republics each year during the first four years shall tag 25 per cent of the black pups on the Commander Islands and 25 per cent of the black pups on Robben Island.

3. In the event that pelagic sealing should be suspended for one or more years under the provisions of Article IV, paragraph 3, the tagging of black pups shall continue at the mentioned rates for a comparable number of years.

4. The United States of America each year shall take at sea for research purposes in the Eastern Pacific Ocean between 1,250 and 1,750 seals.

5. Canada each year shall take at sea for research purposes in the Eastern Pacific Ocean between 500 and 750 seals.

6. Japan shall take at sea in the Western Pacific Ocean:

(a) annually in the first and second years of pelagic research between 2,750 and 3,250 seals;

(b) annually during the remaining four years of pelagic research between 1,400 and 1,600 seals.

7. The Union of Soviet Socialist Republics shall take at sea in the Western Pacific Ocean:

(a) annually in the first and second years of pelagic research between 750 and 1,250 seals;

(b) annually during the remaining four years of pelagic research between 400 and 600 seals.

WHEREAS the Senate of the United States of America by their resolution of August 8, 1957, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was ratified by the President of the United States of America on August 30, 1957, in pursuance of the aforesaid advice and consent of the Senate;

WHEREAS it is provided in Article XIII of said the convention that the convention shall enter into force on the date of the deposit of the fourth instrument of ratification with the Government of the United States of America;

WHEREAS instruments of ratification were deposited with the Government of the United States of America on September 16, 1957 by the United States of America and by Canada, on September 20, 1957 by Japan, and on October 14, 1957 by the Union of Soviet Socialist Republics;

AND WHEREAS, pursuant to the aforesaid provisions of Article XIII of the said convention, the convention entered into force on October 14, 1957;

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and every article and clause thereof may be observed and fulfilled in good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fifteenth day of November in the year of our Lord one thousand nine hundred fifty-
[SEAL] seven and of the Independence of the United States of America the one hundred eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES
Secretary of State

NORTH PACIFIC FUR SEALS

Protocol Between the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics

(Multilateral)

Protocol amending the interim convention of February 9, 1957.

Signed at Washington October 8, 1963;

*Ratification advised by the Senate of the United States of America
January 30, 1964;*

*Ratified by the President of the United States of America February
6, 1964;*

*Ratifications deposited with the Government of the United States of
America as follows: by Canada November 12, 1963; by the United
States of America February 6, 1964; by the Union of Soviet Social-
ist Republics March 12, 1964; and by Japan April 10, 1964;*

*Proclaimed by the President of the United States of America April
22, 1964;*

Entered into force April 10, 1964.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a protocol amending the interim convention on conserva-
tion of North Pacific fur seals of February 9, 1957, was signed at
Washington on October 8, 1963, by the respective representatives of
the Governments of the United States of America, Canada, Japan,
and the Union of Soviet Socialist Republics;

WHEREAS the text of the protocol, in the English, * * * languages,
as certified by the Department of State of the United States of
America, is word for word as follows:

PROTOCOL AMENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

The Governments of Canada, Japan, the Union of Soviet Socialist
Republics and the United States of America, Parties to the Interim
Convention on Conservation of North Pacific Fur Seals, signed at
Washington on February 9, 1957, [¹] hereinafter referred to as the
Convention,

¹ TIAS 3948; 8 UST 2283.

Having given due consideration to the recommendations adopted by the North Pacific Fur Seal Commission on November 30, 1962, and Desiring to amend the Convention,
Have agreed as follows:

ARTICLE I

The Convention shall be amended by this Protocol as from the date of its entry into force.

ARTICLE II

1. In Article II, paragraph 2 of the Convention, "and" at the end of sub-paragraph (f) shall be deleted and "(g)" shall be replaced by "(i)".

2. After Article II, paragraph 2(f) of the Convention, the following shall be inserted:

"(g) effectiveness of each method of sealing from the viewpoint of management and rational utilization of fur seal resources for conservation purposes;

"(h) quality of sealskins by sex, age, and time and method of sealing; and".

ARTICLE III

Article II, paragraph 3 of the Convention shall be replaced by the following:

"3. In furtherance of the research referred to in this Article, the Parties agree:

(a) to continue to mark adequate numbers of pups;

(b) to devote to pelagic research an effort similar in extent to that expended in recent years, provided that this shall not involve the taking of more than 2,500 seals in the Eastern and more than 2,200 seals in the Western Pacific Ocean, unless the Commission, pursuant to Article V, paragraph 3, shall decide otherwise; and

(c) to carry out the determinations made by the Commission pursuant to Article V, paragraph 3."

ARTICLE IV

In Article III of the Convention, "and the Schedule" shall be deleted.

ARTICLE V

Article V, paragraph 2(e) of the Convention shall be replaced by the following:

"(e) study whether or not pelagic sealing in conjunction with land sealing could be permitted in certain circumstances without adversely affecting achievement of the objectives of this Convention, and make recommendations thereon to the Parties at the end of the eleventh year after entry into force of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, at a later year; this later year shall be fixed by the Parties at the meeting early in the twelfth year provided for in Article XI."

ARTICLE VI

Article V, paragraph 3 of the Convention shall be replaced by the following:

"3. In addition to the duties specified in paragraph 2 of this Article, the Commission shall, subject to Article II, paragraph 3, determine from time to time the number of seals to be marked on the rookery islands, and the total number of seals which shall be taken at sea for research purposes, the times at which such seals shall be taken and the areas in which they shall be taken, as well as the number to be taken by each Party."

ARTICLE VII

In Article VIII, paragraph 2 of the Convention, "the Schedule" shall be replaced by "Article II, paragraph 3".

ARTICLE VIII

Article IX, paragraph 3 of the Convention shall be replaced by the following:

"3. In order more equitably to divide the direct and indirect costs of pelagic research in the Western Pacific Ocean, it is agreed that Canada and Japan for three years starting from the seventh year after entry into force of this Convention will forego the delivery of the sealskins by the Union of Soviet Socialist Republics as set forth in paragraph 1 of this Article and the Union of Soviet Socialist Republics will deliver annually to Canada and to Japan 1,500 sealskins each during these three years."

ARTICLE IX

1. In Article XI of the Convention, "sixth" shall be replaced by "twelfth".

2. In Article XIII, paragraph 4 of the Convention, "six" shall be replaced by "twelve" and "sixth" shall be replaced by "twelfth".

ARTICLE X

The Schedule annexed to the Convention shall be deleted.

ARTICLE XI

1. This Protocol shall be ratified and the instruments of ratification deposited with the Government of the United States of America as soon as practicable.

2. The Government of the United States of America shall notify the other signatory Governments of ratifications deposited.

3. This Protocol shall enter into force on October 14, 1963, if the fourth instrument of ratification is deposited on or before that date, and if the fourth instrument of ratification is deposited after October 14, 1963, on the date of its deposit.

4. Notwithstanding Article I of this Protocol:

(a) if this Protocol has not entered into force on or before January 31, 1964, the Convention shall apply with respect to pelagic research for the seventh year;

(b) even if this Protocol has entered into force after the beginning of the commercial sealing season of the seventh year, Article IX, paragraph 3 as amended by this Protocol shall apply with respect to the said season.

5. The original of this Protocol shall be deposited with the Government of the United State of America, which shall communicate certified copies thereof of each of the Governments signatory to this Protocol.

WHEREAS the Senate of the United States of America by their resolution of January 30, 1964, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the protocol;

WHEREAS the protocol was ratified by the President of the United States of America on February 6, 1964, in pursuance of the aforesaid advice and consent to ratification;

WHEREAS instruments of ratification were deposited with the Government of the United States of America on November 12, 1963 by Canada, on February 6, 1964 by the United States of America, on March 12, 1964 by the Union of Soviet Socialist Republics, and on April 10, 1964 by Japan;

AND WHEREAS, pursuant to the provisions of Article XI of the protocol, the protocol entered into force on April 10, 1964, the date of the deposit of the fourth instrument of ratification with the Government of the United States of America;

NOW, THEREFORE, be it known that I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim and make public the said protocol to the end that the same and every article and clause thereof may be observed and fulfilled in good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-second day of April in the year of our Lord one thousand nine hundred sixty-four and of the Independence of the United States of America the one hundred eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK

Secretary of State

STATEMENT BY THE U.S. SENATE COMMITTEE ON COMMERCE STAFF

JANUARY 1965

NORTH PACIFIC FUR SEAL COMMISSION

The North Pacific Fur Seal Commission was established by the terms of the Interim Convention on Conservation of North Pacific Fur Seals. The Commission is composed of one member from each of the parties to the Convention. Under the Convention the Commission was given the responsibility for formulating and coordinating research programs on the north Pacific fur seals, for studying the data obtained from such research programs, and for recommending appropriate measures to the parties on the basis of the findings obtained from the research programs.

It was also given the responsibility for recommending to the parties at the end of the fifth year of the Convention the methods of sealing best suited to achieve the Convention's objectives, that is, the achievement of the maximum sustainable productivity of the north Pacific fur seal resources, with regard to the relation to the productivity of other living marine resources of the area. In carrying out this requirement the Commission recommended that the prohibition upon pelagic sealing be continued but that the Convention be amended so as to direct the Commission to make a study of the possibilities of conducting pelagic sealing in conjunction with land killing.

The Protocol to the Interim Convention which entered into force in 1964, follows the Commission's recommendations and thus expands the Commission's responsibilities to include a study of whether or not pelagic sealing in conjunction with land seals could be permitted in certain circumstances without adverse effect to the achievement of the objectives of the Convention. The Commission is to make recommendations on this subject at the end of the eleventh year after entry into force of the Convention, the Protocol having extended the life of the Interim Convention for an additional six years.

The Commission has been quite successful in carrying out the responsibilities placed upon it by the treaty. The research programs undertaken under its aegis have greatly advanced scientific knowledge of the north Pacific fur seal resources, and it has provided a forum for experts from the four contracting parties to exchange information and to compare findings. There is every reason to believe that the Commission will continue to meet with success in carrying out its responsibilities toward achievement of the objectives of the Convention.



F. WHALING

- (1) Convention for the regulation of whaling.
Concluded at Geneva September 24, 1931; entered into force for the United States January 16, 1935.
49 Stat. 3079; TS 880; IV Trenwith 5372; 155 LNTS 349.
- (2) International whaling convention with schedule of whaling regulations.
Signed at Washington December 2, 1946; entered into force for the United States November 10, 1948.
62 Stat. 1716; TIAS 1849; 161 UNTS 72.
- (3) Revised Schedule to the International Whaling Association.
- (4) Protocol to the international convention for the regulation of whaling signed under date of December 2, 1946. (10 UST 952; TIAS 4228; 338 UNTS 366).

WHALING

- (1) Convention for the regulation of whaling.
 Concluded at Geneva September 24, 1931; entered into force for
 the United States January 16, 1935.
 49 Stat. 3079; TS 880; IV Trench with 5372; 155 LNTS 349.

States which are parties:

Austria	Monaco
Brazil	Netherlands, including
Canada	Surinam and Curacao
Ceylon	New Zealand
Cyprus	Nicaragua
Czechoslovakia	Nigeria
Denmark, including	Norway
Greenland	Poland
Ecuador	Sierra Leone
Finland	Spain
France	Sudan
Ghana	Switzerland
Indonesia	Trinidad and Tobago
Ireland	Turkey
Italy ¹	United Arab Republic
Jamaica	United Kingdom
Latvia	United States
Malaysia	Yugoslavia
Mexico	

United Kingdom for: Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Solomon Islands (Protectorate), Falkland Islands and Dependencies, Fiji, Gambia (colony and protectorate), Gibraltar, Gilbert and Ellice Island (colony), Hong Kong, Turks and Caicos Islands and the Cayman Islands, Kenya² (colony and protectorate), Leeward Island (Antigua, Dominica, Montserrat, St. Christopher and Nevis, Virgin Islands), Brunei, Malta,³ Mauritius, St. Helena and Ascension, Seychelles, Somaliland protectorate, Tanganyika,³ Tonga, Windward Islands (Grenada, St. Lucia and St. Vincent), Zanzibar protectorate.³

¹ With reservations.

² Kenya has given notice that multilateral treaties will continue to apply, unless terminated, until December 12, 1965, and thereafter if notice of confirmation of succession or accession is given.

³ Continued application has apparently not been determined.

REGULATION OF WHALING

Convention Between the United States of America and Other Powers

Concluded at Geneva, September 24, 1931; signed on the part of the United States of America, March 31, 1932.

Ratification advised by the Senate of the United States, June 10, 1932 (legislative day of June 8, 1932).

Ratified by the President of the United States, June 17, 1932.

Ratification of the United States of America deposited at Geneva, July 7, 1932.

Proclaimed by the President of the United States, January 16, 1935.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention for the regulation of whaling, dated Geneva, September 24, 1931, and left open for signature until March 31, 1932, was signed by the respective Plenipotentiaries of the United States of America; Albania; Germany; Belgium; Great Britain and Northern Ireland and all parts of the British Empire which are not separate members of the League of Nations; Canada; Australia; New Zealand; the Union of South Africa; India; Colombia; Denmark; Spain; Finland; France; Greece; Italy; Mexico; Norway; the Netherlands, including the Netherlands Indies; Poland; Rumania; Switzerland; Czechoslovakia; Turkey and Yugoslavia; a true copy of which convention in the English and French languages is word for word as follows:

CONVENTION FOR THE REGULATION OF WHALING

HIS MAJESTY THE KING OF THE ALBANIANS; THE PRESIDENT OF THE GERMAN REICH; THE PRESIDENT OF THE UNITED STATES OF AMERICA; HIS MAJESTY THE KING OF THE BELGIANS; HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA; THE PRESIDENT OF THE REPUBLIC OF COLOMBIA; HIS MAJESTY THE KING OF DENMARK AND ICELAND; THE PRESIDENT OF THE GOVERNMENT OF THE SPANISH REPUBLIC; THE PRESIDENT OF THE REPUBLIC OF FINLAND; THE PRESIDENT OF THE FRENCH REPUBLIC; THE PRESIDENT OF THE HELLENIC REPUBLIC; HIS MAJESTY THE KING OF ITALY; THE PRESIDENT OF THE UNITED STATES OF MEXICO;

HIS MAJESTY THE KING OF NORWAY; HER MAJESTY THE QUEEN OF THE NETHERLANDS; THE PRESIDENT OF THE POLISH REPUBLIC; HIS MAJESTY THE KING OF ROUMANIA; THE SWISS FEDERAL COUNCIL; THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC; THE PRESIDENT OF THE TURKISH REPUBLIC; HIS MAJESTY THE KING OF YUGOSLAVIA have appointed as their Plenipotentiaries the following:

HIS MAJESTY THE KING OF THE ALBANIANS:

M. Lec KURTI, Resident Minister, Permanent Delegate accredited to the League of Nations.

THE PRESIDENT OF THE GERMAN REICH:

M. Hans Hermann VÖLCKERS, Consul-General at Geneva.

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

Mr. Hugh R. WILSON, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

HIS MAJESTY THE KING OF THE BELGIANS:

M. P. HYMANS, Minister for Foreign Affairs.

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

For Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations:

The Right Honourable Viscount CECIL OF CHELWOOD, K.C.

For the Dominion of Canada:

The Honourable Hugh GUTHRIE, P.C., K.C., M.P., Minister of Justice and Attorney-General.

For the Commonwealth of Australia:

Mr. James R. COLLINS, C.M.G., C.B.E., Official Secretary and Financial Adviser in the Office of the High Commissioner in London.

For the Dominion of New Zealand:

Sir Thomas Mason WILFORD, K.C.M.G., K.C., High Commissioner in London.

For the Union of South Africa:

Mr. C. T. TE WATER, High Commissioner in London.

For India:

Sir Brojendra L. MITTER, Kt., Law Member of the Viceroy's Executive Council.

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA:

Dr. A. J. RESTREPO, Permanent Delegate accredited to the League of Nations.

HIS MAJESTY THE KING OF DENMARK AND ICELAND:

M. William BORBERG, Permanent Delegate accredited to the League of Nations.

THE PRESIDENT OF THE GOVERNMENT OF THE SPANISH REPUBLIC:

M. Alejandro LERROUX GARCÍA, Minister of State.

THE PRESIDENT OF THE REPUBLIC OF FINLAND:

M. Evald GYLLENBÖGEL, Counsellor of Legation, Permanent Delegate *a.i.* accredited to the League of Nations.

THE PRESIDENT OF THE FRENCH REPUBLIC:

M. Louis ROLLIN, Deputy, Minister of Commerce and Industry.

THE PRESIDENT OF THE HELLENIC REPUBLIC:

M. R. RAPHAËL, Permanent Delegate accredited to the League of Nations.

HIS MAJESTY THE KING OF ITALY:

M. Augusto Rosso, Minister Plenipotentiary, Substitute Delegate to the Council of the League of Nations.

THE PRESIDENT OF THE UNITED STATES OF MEXICO:

M. Salvador MARTÍNEZ DE ALVA, Head of the Permanent Office accredited to the League of Nations.

HIS MAJESTY THE KING OF NORWAY:

M. Birger BRAADLAND, Minister for Foreign Affairs.

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Jonkheer F. BEELAERTS VAN BLOKLAND, Minister for Foreign Affairs.

THE PRESIDENT OF THE POLISH REPUBLIC:

M. Auguste ZALESKI, Minister for Foreign Affairs.

HIS MAJESTY THE KING OF ROUMANIA:

M. Constantin ANTONIADE, Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations.

THE SWISS FEDERAL COUNCIL:

M. Giuseppe MOTTA, President of the Swiss Confederation, Head of the Federal Political Department.

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC:

M. Zdeněk FIERLINGER, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate accredited to the League of Nations.

THE PRESIDENT OF THE TURKISH REPUBLIC:

Cemal HÜSNÜ Bey, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

HIS MAJESTY THE KING OF YUGOSLAVIA:

M. Voislav MARINKOVITCH, Minister for Foreign Affairs.

Who, having communicated their full powers, found in good and due form, have agreed on the following provisions:

Article 1

The High Contracting Parties agree to take, within the limits of their respective jurisdictions, appropriate measures to ensure the application of the provisions of the present Convention and the punishment of infractions of the said provisions.

- Article 2

The present Convention applies only to baleens or whalebone whales.

Article 3

The present Convention does not apply to aborigines dwelling on the coasts of the territories of the High Contracting Parties provided that:

- (1) They only use canoes, pirogues or other exclusively native craft propelled by oars or sails;
- (2) They do not carry firearms;
- (3) They are not in the employment of persons other than aborigines;
- (4) They are not under contract to deliver the products of their whaling to any third person.

Article 4

The taking or killing of right whales, which shall be deemed to include North-Cape whales, Greenland whales, southern right whales, Pacific right whales and southern pigmy right whales, is prohibited.

Article 5

The taking or killing of calves or suckling whales, immature whales, and female whales which are accompanied by calves (or suckling whales) is prohibited.

Article 6

The fullest possible use shall be made of the carcasses of whales taken. In particular:

1. There shall be extracted by boiling or otherwise the oil from all blubber and from the head and the tongue and, in addition, from the tail as far forward as the outer opening of the lower intestine.

The provisions of this sub-paragraph shall apply only to such carcasses or parts of carcasses as are not intended to be used for human food.

2. Every factory, whether on shore or afloat, used for treating the carcasses of whales shall be equipped with adequate apparatus for the extraction of oil from the blubber, flesh and bones.

3. In the case of whales brought on shore, adequate arrangements shall be made for utilising the residues after the oil has been extracted.

Article 7

Gunners and crews of whaling vessels shall be engaged on terms such that their remuneration shall depend to a considerable extent upon such factors as the size, species, value and yield of oil of whales taken, and not merely upon the number of whales taken, in so far as payment is made dependent on results.

Article 8

No vessel of any of the High Contracting Parties shall engage in taking or treating whales unless a license authorising such vessel to engage therein shall have been granted in respect of such vessel by the High Contracting Party, whose flag she flies, or unless her owner or charterer has notified the Government of the said High Contracting Party of his intention to employ her in whaling and has received a certificate of notification from the said Government.

Nothing in this article shall prejudice the right of any High Contracting Party to require that, in addition, a license shall be required from his own authorities by every vessel desirous of using his territory or territorial waters for the purposes of taking, landing or treating whales, and such license may be refused or may be made subject to such conditions as may be deemed by such High Contracting Party to be necessary or desirable, whatever the nationality of the vessel may be.

Article 9

The geographical limits within which the articles of this Convention are to be applied shall include all the waters of the world, including both the high seas and territorial and national waters.

Article 10

1. The High Contracting Parties shall obtain, with regard to the vessels flying their flags and engaged in the taking of whales, the most complete biological information practicable with regard to each whale taken, and in any case on the following points:

- (a) Date of taking;
- (b) Place of taking;
- (c) Species;
- (d) Sex;
- (e) Length; measured, when taken out of water; estimated, if cut up in water;
- (f) When foetus is present, length and sex if ascertainable;
- (g) When practicable, information as to stomach contents.

2. The length referred to in sub-paragraphs (e) and (f) of this article shall be the length of a straight line taken from the tip of the snout to the notch between the flukes of the tail.

Article 11

Each High Contracting Party shall obtain from all factories, on land or afloat, under his jurisdiction, returns of the number of whales of each species treated at each factory and of the amounts of oil of each grade and the quantities of meal, guano and other products derived from them.

Article 12

Each of the High Contracting Parties shall communicate statistical information regarding all whaling operations under their jurisdiction to the International Bureau for Whaling Statistics at Oslo. The information given shall comprise at least the particulars mentioned in Article 10 and: (1) the name and tonnage of each floating factory; (2) the number and aggregate tonnage of the whale catchers; (3) a list of the land stations which were in operation during the period concerned. Such information shall be given at convenient intervals not longer than one year.

Article 13

The obligation of a High Contracting Party to take measures to ensure the observance of the conditions of the present Convention in his territories and territorial waters, and by his vessels, shall not apply to those of his territories to which the Convention does not apply, and the territorial waters adjacent thereto, or to vessels registered in such territories.

Article 14

The present Convention, the French and English texts of which shall both be authoritative, shall remain open until the thirty-first of March 1932 for signature on behalf of any Member of the League of Nations or of any non-member State.

Article 15

The present Convention shall be ratified. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League of Nations and non-member States indicating the dates of their deposit.

Article 16

As from the first of April 1932, any Member of the League of Nations and any non-member State, on whose behalf the Convention has not been signed before that date, may accede thereto.

The instruments of accession shall be deposited with the Secretary-General of the League of Nations, who shall notify all the Members of the League of Nations and non-member States of their deposit and the date thereof.

Article 17

The present Convention shall enter into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of ratifications or accessions on behalf of not less than eight Members of the League or non-member States, including the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland.

As regards any Member of the League or non-member State on whose behalf an instrument of ratification or accession is subsequently deposited, the Convention shall enter into force on the ninetieth day after the date of the deposit of such instrument.

Article 18

If after the coming into force of the present Convention the Council of the League of Nations, at the request of any two Members of the League or non-member States with regard to which the Convention is then in force, shall convene a Conference for the revision of the Convention, the High Contracting Parties agree to be represented at any Conference so convened.

Article 19

1. The present Convention may be denounced after the expiration of three years from the date of its coming into force.

2. Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-member States of each notification received and of the date of its receipt.

3. Each denunciation shall take effect six months after the receipt of its notification.

Article 20

1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Convention, he does not assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate; and the present Convention shall not apply to any territories named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Convention shall apply to all or any of his territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all the territories named in such notice ninety days after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time after the expiration of the period of three years mentioned in Article 19, declare that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate and the Convention shall cease to apply to the territories named in such declaration six months after its receipt by the Secretary-General of the League of Nations.

4. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-member States all declarations and notices received in virtue of this article and the dates of their receipt.

Article 21

The present Convention shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at Geneva, on the twenty-fourth day of September one thousand nine hundred and thirty-one, in a single copy which shall be kept in the archives of the Secretariat of the League of Nations and of which certified true copies shall be delivered to all the Members of the League of Nations and to the non-member States.

* * * * *

AND WHEREAS the said convention has been duly ratified by the Government of the United States of America and its instrument of ratification was deposited with the Secretary General of the League of Nations on July 7, 1932;

AND WHEREAS the number of ratifications or accessions required under Article 17 of the said convention for the entry into force thereof, including, as is required, the ratifications of the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, were received by the Secretary General of the League of Nations, the latest, the ratification of the Government of the United Kingdom of Great Britain and Northern Ireland, on October 18, 1934, and the fact of the deposit of such ratifications with him was notified to the

Government of the United States of America by the Secretary General;⁴

AND WHEREAS, in pursuance of Article 17 of the convention, the convention entered into effect on the ninetieth day following October 18, 1934, the date of the deposit of the ratification of the United Kingdom of Great Britain and Northern Ireland, that is to say on January 16, 1935;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this sixteenth day of January, in the year of our Lord one thousand nine hundred and thirty-
[SEAL] five and of the Independence of the United States of America the one hundred and fifty-ninth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

⁴ The following ratifications and accessions were received by the Secretary General of the League of Nations on or before Oct. 18, 1934:

Ratifications: United States of America, Czechoslovakia, Denmark (including Greenland), Great Britain and Northern Ireland (not including colonies, protectorates, overseas territories or territories under suzerainty or under mandate exercised by the British Government), Italy (with reservation that the convention can in no way constitute a precedent for future agreements providing for the limitation of fishing in extraterritorial sea), Mexico, Netherlands (including Netherland India, Surinam, and Curaçao), Norway, Poland, Spain, Switzerland, Union of South Africa, Turkey, and Yugoslavia.

Accessions: Brazil, Egypt, Monaco, Nicaragua, and Sudan.

(2) International whaling convention with schedule of whaling regulations.

Signed at Washington December 2, 1946; entered into force for the United States November 10, 1948.

62 Stat. 1716; TIAS 1849; 161 UNTS 72.

States which are parties:

Argentina ¹

Australia

Brazil

Canada

Denmark

France

Iceland

Japan

Mexico

Netherlands

New Zealand

Norway ²

Panama

South Africa

Union of Soviet Socialist
Republics

United Kingdom

United States

¹ With reservations.

² With a statement.

WHALING

Convention Between the United States of America and Other Governments

Signed at Washington under date of December 2, 1946;

Ratification advised by the Senate of the United States of America July 2, 1947;

Ratified by the President of the United States of America July 18, 1947;

Ratification of the United States of América deposited at Washington July 18, 1947;

Proclaimed by the President of the United States of America November 19, 1948;

Entered into force November 10, 1948.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas a convention for the regulation of whaling was signed at Washington under the date of December 2, 1946 by the respective plenipotentiaries of the Governments of the United States of America, Argentina, Australia, Brazil, Canada, Chile, Denmark, France, the Netherlands, New Zealand, Norway, Peru, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the Union of South Africa;

Whereas the text of the said convention is word for word as follows:

INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING

The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

Considering that the history of whaling has seen overfishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further overfishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the numbers of whales which may be captured without endangering these natural resources;

Recognizing that it is the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing widespread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling signed in London on June 8, 1937³ and the protocols to that Agreement signed in London on June 24, 1938⁴ and November 26, 1945;⁵ and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:

ARTICLE I

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V.

2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments, and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

ARTICLE II

As used in this Convention

1. "factory ship" means a ship in which or on which whales are treated whether wholly or in part;

2. "land station" means a factory on the land at which whales are treated whether wholly or in part;

3. "whale catcher" means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;

4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

ARTICLE III

1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.

2. The Commission shall elect from its own members a Chairman and Vice Chairman and shall determine its own Rules of Procedure.

³ Treaty Series 933; 52 Stat. 1460.

⁴ Treaty Series 944; 53 Stat. 1794.

⁵ Treaties and Other International Acts Series 1597.

Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.

3. The Commission may appoint its own Secretary and staff.

4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.

5. The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government.

6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.

7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.

8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

ARTICLE IV

1. The Commission may either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments, or organizations, or independently

(a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;

(b) collect and analyze statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;

(c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.

2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

ARTICLE V

1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, in-

cluding the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be used; (g) methods of measurement; and (h) catch returns and other statistical and biological records.

2. These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources; (b) shall be based on scientific findings; (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.

3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals.

4. No amendments shall become effective before July 1, 1949.

ARTICLE VI

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

ARTICLE VII

The Contracting Governments shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

ARTICLE VIII

1. Notwithstanding anything contained in this Convention, any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take, and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.

2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.

3. Each Contracting Government shall transmit to such body as may be designated by the Commission, insofar as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.

4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

ARTICLE IX

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.

2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.

3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offense.

4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

ARTICLE X

1. This Convention shall be ratified and the instruments of ratification shall be deposited with the Government of the United States of America.

2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.

3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force^a with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

5. The provisions of the Schedule shall not apply prior to July 1, 1948. Amendments to the Schedule adopted pursuant to Article V shall not apply prior to July 1, 1949.

ARTICLE XI

Any Contracting Government may withdraw from this Convention on June thirtieth of any year by giving notice on or before January first of the same year to the depositary Government, which upon receipt of such a notice shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depositary Government, give notice of withdrawal, so that the Convention shall cease to be in force on June thirtieth of the same year with respect to the Government giving such notice of withdrawal.

This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Convention.

DONE in Washington this second day of December 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

SCHEDULE

1. (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

^a Nov. 10, 1948.

2. It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

3. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

4. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any of the following areas:

(a) in the waters north of 66° North Latitude except that from 150° East Longitude eastward as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(e) in the Indian Ocean and its dependent waters north of 40° South Latitude.

5. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude.

6. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° South Latitude.

7. (a) It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any waters south of 40° South Latitude, except during the period from December 15 to April 1 following, both days inclusive.

(b) Notwithstanding the above prohibition of treatment during a closed season, the treatment of whales which have been taken during the open season may be completed after the end of the open season.

8. (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed sixteen thousand blue-whale units.

(b) For the purposes of subparagraph (a) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) two fin whales or

(2) two and a half humpback whales or

(3) six sei whales.

(c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government.

(d) If it should appear that the maximum catch of whales permitted by subparagraph (a) of this paragraph may be reached before April 1 of any year, the Commission, or such other body as the Commission may designate, shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify each Contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9. It is forbidden to take or kill any blue, fin, sei, humpback, or sperm whales below the following lengths:

(a) blue whales	70 feet (21.3 meters)
(b) fin whales	55 feet (16.8 meters)
(c) sei whales	40 feet (12.2 meters)
(d) humpback whales	35 feet (10.7 meters)
(e) sperm whales	35 feet (10.7 meters)

except that blue whales of not less than 65 feet (19.8 meters), fin whales of not less than 50 feet (15.2 meters), and sei whales of not less than 35 feet (10.7 meters) in length may be taken for delivery to land stations provided that the meat of such whales is to be used for local consumption as human or animal food.

Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot: that is to say, any whale between 75'6" and 76'6" shall be logged as 76', and any whale between 76'6" and 77'6" shall be logged as 77'. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, *e.g.* 76'6" precisely, shall be logged as 77'.

10. It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any area or in any waters for more than six months in any period of twelve months, such period of six months to be continuous.

11. It is forbidden to use a factory ship, which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season.

12. (a) All whales taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(b) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13. The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is taken up on to the deck of the factory ship for treatment. All whale catchers engaged in taking whales must report by radio to the factory ship the time when each whale is caught.

14. Gunners and crews of factory ships, land stations, and whale catchers shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size, and yield of whales taken, and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

16. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified:

- (a) the name and gross tonnage of each factory ship;
- (b) the number and aggregate gross tonnage of the whale catchers;
- (c) a list of the land stations which were in operation during the period concerned.

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(a) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(b) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany;

and on the east coast of Australia, in Twofold Bay and Jervis Bay.

18. The following expressions have the meanings respectively assigned to them, that is to say:

"baleen whale" means any whale other than a toothed whale;

"blue whale" means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom;

"fin whale" means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale;

"sei whale" means any whale known by the name of *Balaenoptera borealis*, sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale, and shall be taken to include *Balaenoptera brydei*, Bryde's whale;

"gray whale" means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back, rip sack;

"humpback whale" means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale, or hunchbacked whale;

"right whale" means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale;

"sperm whale" means any whale known by the name of sperm whale, spermacet whale, cachalot, or pot whale;

"Dauhalval" means any unclaimed dead whale found floating.

WHEREAS the Senate of the United States of America by their Resolution of July 2, 1947, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was duly ratified by the President of the United States of America on July 18, 1947, in pursuance of the aforesaid advice and consent of the Senate;

WHEREAS it is provided in Article X of the said convention that the convention shall, when instruments of ratification have been desposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments;

WHEREAS instruments of ratification of the said convention were deposited with the Government of the United States of America by the following Governments, namely: the United Kingdom of Great Britain and Northern Ireland on June 17, 1947; the United States of America on July 18, 1947; Australia on December 1, 1947; Norway on March 3, 1948; the Union of South Africa on May 5, 1948; the Union of Soviet Socialist Republics on September 11, 1948; and the Netherlands on November 10, 1948;*

* Iceland adhered by notice given Mar. 10, 1947, effective Nov. 10, 1948; and Panama adhered by notice given Sept. 27, 1948, effective Nov. 10, 1948, agreeing to apply convention provisionally until approved in conformity with constitutional requirements of Panama.

AND WHEREAS, pursuant to the aforesaid provisions of Article X of the said convention the convention entered into force on November 10, 1948;

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said convention for the regulation of whaling, to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after November 10, 1948, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this nineteenth day of November in the year of our Lord one thousand nine hundred forty-
[SEAL] eight and of the Independence of the United States of America the one hundred seventy-third.

- HARRY S TRUMAN

By the President:

ROBERT A LOVETT

Acting Secretary of State

WHALING

(Multilateral)

REVISED SCHEDULE TO THE INTERNATIONAL WHALING CONVENTION

(This statement for ready reference, this text, prepared by the International Whaling Convention and updated by the Department of State, incorporates all amendments in force as of January 22, 1965.)

1.—(a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection and also such observers as the member countries engaged in the Antarctic pelagic whaling may arrange to place on each other's factory ships. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship; provided that inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

2. It is forbidden to take or kill gray whales or right whales except by aborigines or a Contracting Government on behalf of aborigines and only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

3. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

4.—(1) It is forbidden to kill blue whales in the North Atlantic Ocean for five years ending on 24th February, 1970.

(2) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(a) in the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(e) in the Indian Ocean and its dependent waters north of 40° South Latitude.

5. It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. [This paragraph as a result of a decision of the fourteenth meeting was rendered inoperative until the Commission otherwise decides.]

6.—(1) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on 8th November, 1969. Notwithstanding this close season the taking of 10 humpback whales per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose.

(2) It is forbidden to kill or attempt to kill humpback whales in the waters south of the Equator.

(3)¹ It is forbidden to kill or attempt to kill blue whales in the waters south of 40° South Latitude, (except in the waters north of 55° South Latitude from 0° eastwards to 80° East Longitude.)

7.—(a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from 12th December to 7th April, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 14th February² in any year.

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (c), (d) and (e) of this paragraph.

(c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted.

Provided that:

(i) a separate open season may be declared for each factory ship and the whale catchers attached thereto;

¹ An amendment deleting the words "except in the waters north of 55° South Latitude from 0° eastwards to 80° East Longitude" was objected to within the prescribed period by the governments of Japan, Norway, the United Kingdom, and the Union of Soviet Socialist Republics. The objections were not withdrawn and the amendment came into force on January 22, 1965, but is not binding upon the above-mentioned governments.

² The amendment in paragraph 7(a) of the starting date of the blue whale season from 1st February to 14th February was objected to within the prescribed period by the Governments of Japan, the Netherlands, Norway, the United Kingdom and the Union of Soviet Socialist Republics. The objections were not withdrawn and the amendment came into force on 26th January, 1961 but is not binding upon Japan, the Netherlands, Norway, the United Kingdom and the Union of Soviet Socialist Republics.

(ii) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to sub-paragraph (a) of this paragraph.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this paragraph one continuous open season not to exceed eight months may be implemented so far as Greenland is concerned.

8.—(a) The number of baleen whales taken during the open season caught in waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed ten thousand blue-whale units in 1963/64.

(b) For the purposes of sub-paragraph (a) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:

- (1) Two fin whales or
- (2) Two and a half humpback whales or
- (3) Six sei whales.

(c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; provided that when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached 9,000 notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

(d) If it appears that the maximum catch of whales permitted by sub-paragraph (a) of this paragraph may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(e)³ Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9.—(a) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21·3 metres)

Sei whales 40 feet (12·2 metres)

Humpback whales 35 feet (10·7 metres)

except that blue whales of not less than 65 feet (19·8 metres) and sei whales of not less than 35 feet (10·7 metres) in length may be taken

³ Paragraph 8(e) which followed in earlier copies was deleted by the Commission at its fourth meeting in 1952 and the deletion became effective on 12th September, 1952. Original paragraph (f) consequently becomes paragraph (e).

for delivery to land stations, provided that, except in the North-east Pacific area for a period of three years starting 1st April, 1965, the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17·4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16·8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16·8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15·2 metres) may be taken for delivery to land stations in the Northern Hemisphere, provided that, except in the North-east Pacific area for a period of three years starting 1st April, 1965, in each case the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet 11·6 metres) in length, except that sperm whales of not less than 35 feet (10·7 metres) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g. 76 feet 6 inches precisely shall be logged as 77 feet.

10.—(a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (b), (c) and (d) of this paragraph.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c)⁴ Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in sub-paragraph (b) of this paragraph; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(d) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (b) of this paragraph); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(e) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 17 of this Schedule.

11. It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season; provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

12.—(a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting

⁴This sub-paragraph 10(c) came into force as from 21st February, 1952, in respect of all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this sub-paragraph are not therefore binding on the Commonwealth of Australia.

Government is prohibited by the provisions of paragraph 2, 4, 5, 6, 7, 8, or 10 of this Schedule.

(b) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals. A contracting Government may in less developed regions exceptionally permit treating of whales without use of land stations, provided that such whales are fully utilised in accordance with this paragraph.

(c) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13.—(a) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken

(2) Its species, and

(3) its marking effected pursuant to sub-paragraph (b) of this paragraph.

(d) The information reported by radio pursuant to sub-paragraph (c) of this paragraph shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment

(2) Length, measured pursuant to sub-paragraph (d) of paragraph 9

(3) Sex

(4) If female, whether milk-filled or lactating

(5) Length and sex of foetus, if present, and

(6) A full explanation of each infraction.

(e) A record similar to that described in sub-paragraph (d) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said sub-paragraph shall be entered therein as soon as available.

14. Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

16. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified:

(a) The name and gross tonnage of each factory ship

(b) The number of whale catchers, including separate totals for surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horse power of whale catchers

(c) A list of the land stations which were in operation during the period concerned.

17.—(a)⁶ A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (c) of this paragraph, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in sub-paragraph (c) of this paragraph or south of 40° South Latitude.

(c) The areas referred to in sub-paragraphs (a) and (b) are:

(1) On the coast of Madagascar and its dependencies

(2) On the west coasts of French Africa

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.⁷

⁶ Paragraph 17 (a), (b) and (c) (1) to (3) was inserted by the Commission at its first meeting in 1949, and came into force on 11th January, 1950, as regards all Contracting Governments except FRANCE, who therefore remain bound by the provisions of the original Paragraph 17, which reads as follows:

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(a) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(b) on the west coast of Australia in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

Paragraph 17 (c) (4) was inserted by the Commission at its eleventh meeting in 1959 and came into force on 5th October, 1959 as regards all Contracting Governments.

(4) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude.

18.—(1) The following expressions have the meanings respectively assigned to them, that is to say:

“baleen whale” means any whale which has baleen or whale bone in the mouth, i.e., any whale other than a toothed whale

“blue whale” (*Balaenoptera* or *Sibbaldus musculus*) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom

“dauhval” means any unclaimed dead whale found floating

“fin whale” (*Balaenoptera physalus*) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale

“gray whale” (*Rhachianectes glaucus*) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack

“humpback whale” (*Megaptera nodosa* or *novaeangliae*) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale

“minke whale” (*Balaenoptera acutorostrata*, *B. Davidsoni*, *B. huttoni*) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner

“right whale” (*Balaena mysticetus*, *Eubalaena glacialis*, *E. australis*, etc.; *Neobalaena marginata*) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale

“sei whale” (*Balaenoptera borealis*) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coal-fish whale and shall be taken to include Bryde's whale (*B. brydei*)

“sperm whale” (*Physeter catodon*) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale

“toothed whale” means any whale which has teeth in the jaws.

(2) “Whales taken” means whales that have been killed and either flagged or made fast to catchers.

- (19) Protocol to the international convention for the regulation of whaling signed under date of December 2, 1946.
Done at Washington November 19, 1956; entered into force for the United States May 4, 1959.
10 UST 952; TIAS 4228; 338 UNTS 366.

States which are parties:

Argentina ¹

Australia

Brazil

Canada

Denmark

France

Iceland

Japan

Mexico

Netherlands

New Zealand

Norway

Panama

South Africa

Union of Soviet Socialist
Republics

United Kingdom

United States

¹ With reservations.

WHALING

(Multilateral)

Protocol to the convention of December 2, 1946.

Signed at Washington November 19, 1956;

Ratification advised by the Senate of the United States of America August 8, 1957;

Ratified by the President of the United States of America August 30, 1957;

Ratification of the United States of America deposited at Washington August 30, 1957;

Proclaimed by the President of the United States of America May 14, 1959;

Entered into force May 4, 1959.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a protocol to the international convention for the regulation of whaling signed at Washington under date of December 2, 1946 was signed at Washington under date of November 19, 1956 by the Plenipotentiaries of the United States of America and sixteen other governments;

WHEREAS the text of the said protocol, in the English language, is word for word as follows:

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING SIGNED AT WASHINGTON UNDER DATE OF DECEMBER 2, 1946

The Contracting Governments to the International Convention for the Regulation of Whaling signed at Washington under date of December 2, 1946, which Convention is hereinafter referred to as the 1946 Whaling Convention, desiring to extend the application of that Convention to helicopters and other aircraft and to include provisions on methods of inspection among those Schedule provisions which may be amended by the Commission, agree as follows:

ARTICLE I

Subparagraph 3 of Article II of the 1946 Whaling Convention shall be amended to read as follows:

"3. 'whale catcher' means a helicopter, or other aircraft, or a ship, used for the purpose of hunting, taking, killing, towing, holding on to, or scouting for whales."

ARTICLE II

Paragraph 1 of Article V of the 1946 Whaling Convention shall be amended by deleting the word "and" preceding clause (h), substituting a semicolon for the period at the end of the paragraph, and adding the following language: "and (i) methods of inspection".

ARTICLE III

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Contracting Government to the 1946 Whaling Convention.

2. This Protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America on behalf of all the Contracting Governments to the 1946 Whaling Convention.

3. The Government of the United States of America shall inform all Governments signatory or adhering to the 1946 Whaling Convention of all ratifications deposited and adherences received.

4. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Protocol.

DONE in Washington this nineteenth day of November 1956, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all Governments signatory or adhering to the 1946 Whaling Convention.

* * * * *

WHEREAS the Senate of the United States of America by their resolution of August 8, 1957, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said protocol;

WHEREAS the said protocol was duly ratified by the President of the United States of America on August 30, 1957, in pursuance of the aforesaid advice and consent of the Senate;

WHEREAS it is provided in Article III of the said protocol that the protocol shall enter into force on the date upon which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America on behalf of all the Contracting Governments to the inter-

national convention for the regulation of whaling signed at Washington under date of December 2, 1946;

WHEREAS instruments of ratification with respect to the said protocol have been deposited with the Government of the United States of America on behalf of all the Contracting Governments to the aforesaid 1946 convention, namely: Iceland on November 23, 1956, Australia on April 8, 1957, Norway on April 15, 1957, the Union of South Africa on April 25, 1957, the United Kingdom of Great Britain and Northern Ireland on May 23, 1957, Japan on May 24, 1957, Sweden on June 6, 1957, Canada on June 14, 1957, New Zealand on June 21, 1957, the Union of Soviet Socialist Republics on July 3, 1957, Denmark on July 26, 1957, the United States of America on August 30, 1957, the Netherlands on December 23, 1957, France on April 14, 1958, Panama on February 9, 1959, Mexico on March 9, 1959, and Brazil on May 4, 1959;

WHEREAS, pursuant to the aforesaid provision of Article III of the said protocol, the protocol entered into force on May 4, 1959;

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said protocol to the international convention for the regulation of whaling to the end that the same and every article and clause thereof shall be observed and fulfilled with good faith, on and after May 4, 1959, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourteenth day of May in the year of our Lord one thousand nine hundred fifty-nine and
 [SEAL] of the Independence of the United States of America the one hundred eighty-third.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON

Acting Secretary of State

DECEMBER 1, 1964

JANUARY 1965

INTERNATIONAL WHALING COMMISSION

The Convention of 1946 established an International Whaling Commission composed of one representative from each Contracting Government. In addition to its general responsibilities for encouraging and organizing studies and investigations of whales and whaling, collecting statistics and the like, the Commission was given authority to amend from time to time the provisions of the Schedule to the Convention, which contains the detailed regulations for whaling throughout the world applicable to the Contracting Governments.

In many respects the Commission has performed a useful function. It has maintained, and in some cases extended, the protection originally afforded world whale stocks by the Convention. It has imposed measures to prevent indiscriminate killings and waste of the whale resources. Through its sponsorship of research, it has added greatly to knowledge of the size and sustainable yield of the existing stocks of whales.

However, the Commission has failed to deal effectively with its most pressing problem, that of the over-all catch limit in the Antarctic. While the Commission's responsibilities are world-wide, major emphasis has been placed on the Antarctic as the principal remaining area where are found commercially exploitable concentrations of baleen whales. The Antarctic quota was originally set by the Convention at 16,000 blue whale units (one blue whale unit equals one blue whale, or two fin whales, or two and one half humpback whales, or six sei whales.). This level appears to many to have been too high, but it was dictated in large part by the serious shortage of edible fats and oils in the European countries immediately after World War II.

With the passage of time increasing evidence became available of a continued and accelerating decline in the Antarctic stocks. In partial response the Commission lowered the quota to 15,500 units in 1953, 15,000 in 1955, and 14,500 in 1956. It was returned to 15,000 in 1959 and remained at that level until 1963. Many members of the Commission considered these measures far from adequate and proposed more drastic reductions. These were opposed by others, primarily those with commercial whaling interests in the Antarctic, who argued that the evidence of decline was not conclusive nor did it show what level of whaling could be supported by the resource.

In 1960 the Commission agreed, largely as the result of U.S. initiative, to establish a special independent committee of scientists to assess the condition of the whale stocks in the Antarctic. In taking this action the Commission expressed its intention to bring the Antarctic catch limit into line with the scientific findings not later than July 31, 1964, with due regard for the interests of consumers of whale products and of the whaling industry. The report of the special commit-

tee, considered by the Commission in 1963, made clear that a very drastic reduction in the quota would be required if the decline in the stocks were to be arrested and recovery of the stocks toward a size permitting maximum sustainable yield to be permitted. Moreover, complete protection of blue whales and humpback whales was indicated for a number of years. Despite the scientific evidence, the countries operating in the Antarctic would not accept a quota lower than 10,000 units, which was adopted as a compromise. However, complete protection for humpback whales and almost complete protection for blue whales was imposed. The quota of 10,000 units was in effect no limitation, as became evident when the combined fleets were able to take only 8,429 units in the 1963/64 season.

The stocks having been further reduced by the 1963/64 season, the Commission faced an even worse situation in 1964. The scientists now estimated that a quota of less than 3,000 units would be required in order to make a start on recovery of the fin whales and sei whales, and that complete protection of blues and humpbacks would continue to be required. As before, the Antarctic whaling countries would not accept the quota reduction indicated by the scientific evidence. On the other hand, the other countries represented were not disposed to make further meaningless compromises. As a result, there was no agreement on a quota, although the Commission did decide to extend the protection for blue whales throughout the Antarctic. Thus, there will be no quota limitations imposed by the Commission for the 1964/65 season. However, the four Antarctic countries decided among themselves to set a limit of 8,000 units for the season. This arrangement outside the Commission imposes no real restraints and was made primarily in order to assure the continuance of certain national quota arrangements among these countries. (The Netherlands has since sold its one factory ship to Japan, and there are now only three countries operating fleets in the Antarctic.)

The future of the International Whaling Commission is obscure. In addition to its impotence so far to deal effectively with the question of Antarctic whaling, it has been unable to obtain any agreement to measures of control of whaling in the North Pacific, the principal remaining area outside the Antarctic for baleen whales, although a marked increase in catches there in the past year or so appears to indicate the need for catch controls. Unless some means is found to overcome the pressures of short-term commercial interests and consequently to enable the Commission to function as a responsible and authoritative body, there is the distinct possibility that it may soon become defunct, together with the whale resources and the whaling industry.

II. *Bilateral*

A. CANADA

(See also Multilaterals)

(a) Fisheries

- (1) Convention between the United States and the United Kingdom [pertaining to Canada] respecting fisheries, boundary, and the restoration of slaves.
Signed at London October 20, 1818; entered into force January 30, 1819.
8 Stat. 248; TS 112; 1 Malloy 631.
- (2) Agreement between the United States and the United Kingdom [pertaining to Canada] adopting with certain modifications the rules and method of procedure recommended in the award of September 7, 1910, of the North Atlantic Coast Fisheries Arbitration.
Signed at Washington July 20, 1912; entered into force November 15, 1912.
37 Stat. 1634; TS 572; III Redmond 2632.
- (3) Convention for the protection, preservation, and extension of the sockeye salmon fishery of the Fraser River system.
Signed at Washington May 26, 1930; entered into force July 28, 1937.
50 Stat. 1355; TS 918; IV Trenwith 4002; 184 LNTS 305.
- (4) Protocol amending the convention of May 26, 1930 for the protection, preservation, and extension of the sockeye salmon fisheries to include pink salmon in the Fraser River system.
Signed at Ottawa December 28, 1956; entered into force July 3, 1957.
8 UST 1057; TIAS 3867; 290 UNTS 103.
- (5) Agreement to facilitate the ascent of salmon in Hell's Gate Canyon and elsewhere in the Fraser River system.
Exchange of notes at Washington July 21 and August 5, 1944; entered into force August 5, 1944.
59 Stat. 1614; EAS 479; 121 UNTS 299.
- (6) Convention for the extension to halibut fishing vessels of port privileges on the Pacific Coasts of the United States of America and Canada.
Signed at Ottawa March 24, 1950; entered into force July 13, 1950.
1 UST 536; TIAS 2096; 200 UNTS 211.
- (7) Convention for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea.
Signed at Ottawa March 2, 1953; entered into force October 28, 1953.
5 UST 5; TIAS 2900; 222 UNTS 77.

- (8) Convention on Great Lakes fisheries.
Signed at Washington September 10, 1954; entered into force
October 11, 1955.
6 UST 2836; TIAS 3326; 238 UNTS 97.

(b) Migratory Birds

- (1) Convention for the protection of migratory birds in the United
States and Canada.
Signed at Washington August 16, 1916; entered into force De-
cember 7, 1916.
39 Stat. 1702; TS 628; III Redmond 2645.

(c) Shellfish

- (1) Agreement providing for cooperative efforts to be directed to-
ward sanitary control of the shellfish industry.
Exchange of notes at Washington March 4 and April 30, 1948;
entered into force April 30, 1948.
62 Stat. 1898; TIAS 1747; 77 UNTS 191.

CONVENTION RESPECTING FISHERIES, BOUNDARY AND THE RESTORATION OF SLAVES, 1818.

Great Britain—1818. [Pertaining to Canada]

Concluded October 20, 1818; ratification advised by the Senate January 25, 1819; ratified by the President January 28, 1819; ratifications exchanged January 30, 1819; proclaimed January 30, 1819.

ARTICLES

- I. Fisheries.
- II. Boundary from the Lake of the Woods to the Stony Mountains.
- III. Country west of the Stony Mountains.
- IV. Commercial convention extended.
- V. Claims for restitution of slaves.
- VI. Ratification.

The United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland, desirous to cement the good understanding which happily subsists between them, have, for that purpose, named their respective Plenipotentiaries, that is to say:

The President of the United States, on his part, has appointed, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to the Court of France; and Richard Rush, their Envoy Extraordinary and Minister Plenipotentiary to the Court of His Britannic Majesty:—and His Majesty has appointed the Right Honorable Frederick John Robinson, Treasurer of His Majesty's Navy, and President of the Committee of Privy Council for Trade and Plantations; and Henry Goulburn Esq., one of His Majesty's Under Secretaries of State:

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles.

ARTICLE I.

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties, that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coast of Labrador, to and through the Streights of Belleisle and thence northwardly indefinitely along

the coast, without prejudice however, to any of the exclusive rights of the Hudson Bay Company: And that the American fishermen shall also have liberty forever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on, or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the abovementioned limits; Provided however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

ARTICLE II.

It is agreed that a line drawn from the most northwestern point of the Lake of the Woods, along the forty-ninth parallel of north latitude, or, if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel shall be the line of demarcation between the territories of the United States, and those of His Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains.

ARTICLE III.

It is agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two Powers: it being well understood, that this agreement is not to be construed to the prejudice of any claim, which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other Power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves.

ARTICLE IV.

All the provisions of the convention "to regulate the commerce between the territories of the United States and of His Britannic Majesty" concluded at London on the third day of July in the year of our Lord one thousand eight hundred and fifteen, with the exception of the clause which limited its duration to four years, and excepting also so far as the same was affected by the declaration of His Majesty respecting the island of St. Helena, are hereby extended and continued in force for the term of ten years from the date of the signature of the present convention, in the same manner, as if all the provisions of the said convention were herein specially recited.

ARTICLE V.¹

Whereas, it was agreed by the first Article of the treaty of Ghent, that "all territory, places, and possessions whatsoever taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay; and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property;" and whereas under the aforesaid article the United States claim for their citizens, and as their private property, the restitution of, or full compensation for all slaves who, at the date of the exchange of the ratifications of the said treaty, were in any territory, places, or possessions whatsoever directed by the said treaty to be restored to the United States, but then still occupied by the British forces, whether such slaves were, at the date aforesaid, on shore, or on board any British vessel lying in waters within the territory or jurisdiction of the United States; and whereas differences have arisen whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent, the United States are entitled to the restitution of, or full compensation for all or any slaves as above described, the high contracting parties hereby agree to refer the said differences to some friendly sovereign or State to be named for that purpose; and the high contracting parties further engage to consider the decision of such friendly sovereign or State, to be final and conclusive on all the matters referred.

ARTICLE VI.

This convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by His Britannic Majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the said United States and on His Majesty; and the ratifications shall be exchanged in six months from this date, or sooner, if possible.

¹ Referred to Emperor of Russia, convention of 1822.

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at London this twentieth day of October, in the year of our Lord one thousand eight hundred and eighteen.

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

ALBERT GALLATIN.

RICHARD RUSH.

FREDERICK JOHN ROBINSON.

HENRY GOULBURN.

**AGREEMENT BETWEEN THE UNITED STATES
AND GREAT BRITAIN**

[Pertaining to Canada]

**Adopting With Certain Modifications the Rules and Method of
Procedure Recommended in the Award of September 7, 1910, of
the Northern Atlantic Coast Fisheries Arbitration**

Signed at Washington, July 20, 1912;

Ratification advised by the Senate, August 1, 1912;

Ratified by the President, August 7, 1912;

Ratified by Great Britain, August 19, 1912;

Ratifications exchanged at Washington, November 15, 1912;

Proclaimed, November 16, 1912.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS an Agreement between the United States of America and Great Britain, adopting with certain modifications therein, the rules and method of procedure recommended in the award of The Hague tribunal of September 7, 1910, for the settlement hereafter, in accordance with the principles laid down in the award, of questions regarding the exercise of the fishing liberties referred to in Article I of the treaty of October 20, 1818, between the United States and Great Britain, was concluded and signed by their respective Plenipotentiaries at Washington on the twentieth day of July, one thousand nine hundred and twelve, the original of which Agreement is word for word as follows:

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of concluding an agreement regarding the exercise of the liberties referred to in Article I of the Treaty of October 20, 1818, have for this purpose named as their Plenipotentiaries:

The President of the United States of America:

Chandler P. Anderson, Counselor for the Department of State of the United States;

His Britannic Majesty:

Alfred Mitchell Innes, Chargé d'Affaires of His Majesty's Embassy at Washington;

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

Whereas the award of the Hague Tribunal of September 7, 1910, recommended for the consideration of the Parties certain rules and a method of procedure under which all questions which may arise in the future regarding the exercise of the liberties referred to in Article I of the Treaty of October 20, 1818, may be determined in accordance with the principles laid down in the award, and the Parties having agreed to make certain modifications therein, the rules and method of procedure so modified are hereby accepted by the Parties in the following form:

1. All future municipal laws, ordinances, or rules for the regulation of the fisheries by Great Britain, Canada, or Newfoundland in respect of (1) the hours, days, or seasons when fish may be taken on the treaty coasts; (2) the method, means, and implements used in the taking of fish or in carrying on fishing operations; (3) any other regulations of a similar character; and all alterations or amendments of such laws, ordinances, or rules shall be promulgated and come into operation within the first fifteen days of November in each year; provided, however, in so far as any such law, ordinance, or rule shall apply to a fishery conducted between the 1st day of November and the 1st day of February, the same shall be promulgated at least six months before the 1st day of November in each year.

Such laws, ordinances, or rules by Great Britain shall be promulgated by publication in the London Gazette, by Canada in the Canada Gazette, and by Newfoundland in the Newfoundland Gazette.

After the expiration of ten years from the date of this Agreement, and so on at intervals of ten years thereafter, either Party may propose to the other that the dates fixed for promulgation be revised in consequence of the varying conditions due to changes in the habits of the fish or other natural causes; and if there shall be a difference of opinion as to whether the conditions have so varied as to render a revision desirable, such difference shall be referred for decision to a commission possessing expert knowledge, such as the Permanent Mixed Fishery Commission hereinafter mentioned.

2. If the Government of the United States considers any such laws or regulations inconsistent with the Treaty of 1818, it is entitled so to notify the Government of Great Britain within forty-five days after the publication above referred to, and may require that the same be submitted to and their reasonableness, within the meaning of the award, be determined by the Permanent Mixed Fishery Commission constituted as hereinafter provided.

3. Any law or regulation not so notified within the said period of forty-five days, or which, having been so notified, has been declared reasonable and consistent with the Treaty of 1818 (as interpreted by the said award) by the Permanent Mixed Fishery Commission, shall be held to be reasonable within the meaning of the award; but if declared by the said Commission to be unreasonable and inconsistent with the Treaty of 1818, it shall not be applicable to the inhabitants

of the United States exercising their fishing liberties under the Treaty of 1818.

4. Permanent Mixed Fishery Commissions for Canada and Newfoundland, respectively, shall be established for the decision of such questions as to the reasonableness of future regulations, as contemplated by Article IV of the Special Agreement of January 27, 1909. These Commissions shall consist of an expert national, appointed by each Party for five years; the third member shall not be a national of either Party. He shall be nominated for five years by agreement of the Parties, or, failing such agreement, within two months from the date, when either of the Parties to this Agreement shall call upon the other to agree upon such third member, he shall be nominated by Her Majesty the Queen of the Netherlands.

5. The two national members shall be summoned by the Government of Great Britain, and shall convene within thirty days from the date of notification by the Government of the United States. These two members having failed to agree on any or all of the questions submitted within thirty days after they have convened, or having before the expiration of that period notified the Government of Great Britain that they are unable to agree, the full Commission, under the presidency of the Umpire, is to be summoned by the Government of Great Britain, and shall convene within thirty days thereafter to decide all questions upon which the two national members had disagreed. The Commission must deliver its decision, if the two Governments do not agree otherwise, within forty-five days after it has convened. The Umpire shall conduct the procedure in accordance with that provided in Chapter IV of the Convention for the Pacific Settlement of International Disputes, of October 18, 1907, except in so far as herein otherwise provided.

6. The form of convocation of the Commission, including the terms of reference of the question at issue, shall be as follows:

"The provision hereinafter fully set forth of an act dated -----, published in the ----- Gazette, has been notified to the Government of Great Britain by the Government of the United States under date of -----, as provided by the agreement entered into on July 20, 1912, pursuant to the award of the Hague Tribunal of September 7, 1910.

"Pursuant to the provisions of that Agreement the Government of Great Britain hereby summons the Permanent Mixed Fishery Commission for

(Canada)

(Newfoundland) composed of ----- Commissioner for the United
(Canada)

States of America, and of ----- Commissioner for (Newfoundland) who shall meet at Halifax, Nova Scotia, with power to hold subsequent meetings at such other place or places as they may determine, and render a decision within thirty days as to whether the provision so notified is reasonable and consistent with the Treaty of 1818, as interpreted by the award of the Hague Tribunal of September 7, 1910, and if not, in what respect it is unreasonable and inconsistent therewith.

"Failing an agreement on this question within thirty days, the Commission shall so notify the Government of Great Britain in order that the further action required by that award shall be taken for the decision of the above question.

"The provision is as follows -----"

7. The unanimous decision of the two national Commissioners, or the majority decision of the Umpire and one Commissioner, shall be final and binding.

8. Any difference in regard to the regulations specified in Protocol XXX of the arbitration proceedings, which shall not have been disposed of by diplomatic methods, shall be referred not to the Commission of expert specialists mentioned in the award but to the Permanent Mixed Fishery Commissions, to be constituted as hereinbefore provided, in the same manner as a difference in regard to future regulations would be so referred.

ARTICLE II.

And whereas the Tribunal of Arbitration in its award decided that—

In case of bays the 3 marine miles are to be measured from a straight line drawn across the body of water at the place where it ceases to have the configuration and characteristics of a bay. At all other places the 3 marine miles are to be measured following the sinuosities of the coast.

And whereas the Tribunal made certain recommendations for the determination of the limits of the bays enumerated in the award;

Now, therefore, it is agreed that the recommendations, in so far as the same relate to bays contiguous to the territory of the Dominion of Canada, to which Question V of the Special Agreement is applicable, are hereby adopted, to wit:

In every bay not hereinafter specifically provided for, the limits of exclusion shall be drawn three miles seaward from a straight line across the bay in the part nearest the entrance at the first point where the width does not exceed ten miles.

For the Baie des Chaleurs the limits of exclusion shall be drawn from the line from the Light at Birch Point on Miscou Island to Macquereau Point Light; for the bay of Miramichi, the line from the Light at Point Escuminac to the Light on the eastern point of Tabisintac Gully; for Egmont Bay, in Prince Edward Island, the line from the Light at Cape Egmont to the Light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from the Light at Point Anconi to the nearest point on the opposite shore of the mainland.

For or near the following bays the limits of exclusion shall be three marine miles seawards from the following lines, namely:

For or near Barrington Bay, in Nova Scotia, the line from the Light on Stoddard Island to the Light on the south point of Cape Sable, thence to the Light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Cranberry Island Light to Green Island Light, thence to Point Rouge; for Mira Bay, the line from the Light on the east point of Scatary Island to the northeasterly point of Cape Morien.

Long Island and Bryer Island, on St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bays.

It is understood that the award does not cover Hudson Bay.

ARTICLE III.

It is further agreed that the delimitation of all or any of the bays on the coast of Newfoundland, whether mentioned in the recommendations or not, does not require consideration at present.

ARTICLE IV.

The present Agreement shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof the respective Plenipotentiaries have signed this Agreement in duplicate and have hereunto affixed their seals.

Done at Washington on the 20th day of July, one thousand nine hundred and twelve.

CHANDLER P. ANDERSON [SEAL.]

ALFRED MITCHELL INNES [SEAL.]

AND WHEREAS the said agreement has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the fifteenth day of November, one thousand nine hundred and twelve;

Now, THEREFORE, be it known that I, WILLIAM HOWARD TAFT, President of the United States of America, have caused the said Agreement to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this sixteenth day of November, in the year of our Lord one thousand nine hundred and [SEAL.] twelve, and of the Independence of the United States of America the one hundred and thirty-seventh.

WM H TAFT

By the President:

PCKNOX

Secretary of State.

JANUARY 1965

**AGREEMENT BETWEEN THE UNITED STATES AND
GREAT BRITAIN, NOVEMBER 1912**

This agreement is the result of and implements an award of the Hague Tribunal of September 7, 1910, which rejected numerous United States contentions concerning the exercise of liberties referred to in Article I of the 1818 Convention with Great Britain. The principal provisions of the 1912 Agreement relate to: (1) the hours, days, or seasons when fish may be taken on the treaty coasts; (2) the method, means, and implements used in the taking of fish or in carrying on fishing operations; (3) other regulations of a similar character; and means of promulgating alterations or amendments of such laws, ordinances, or rules. Also, the Agreement provides for the establishment of a Permanent Mixed Fishery Commission to resolve differences between the United States and Great Britain as to dates fixed for promulgation of the above rules and the reasonableness of the rules or consistency of the rules with the 1818 Convention.

The rules relate to Article I of the 1818 Convention in which the Parties agreed as follows:

"Whereas differences have arisen respecting the liberty claimed by the United States for the Inhabitants thereof, to take, dry and cure Fish on Certain Coasts, Bays, Harbours and Creeks of His Britannic Majesty's Dominions in America, it is agreed between the High Contracting Parties, that the Inhabitants of the said United States shall have forever, in common with the Subjects of His Britannic Majesty, the Liberty to take Fish of every kind on that part of the Southern Coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the Western and Northern Coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the Coasts, Bays, Harbours, and Creeks from Mount Joly on the Southern Coast of Labrador, to and through the Straits of Belleisle and thence Northwardly indefinitely along the Coast, without prejudice, however, to any of the exclusive Rights of the Hudson Bay Company; and that the American Fishermen shall also have liberty forever, to dry and cure Fish in any of the unsettled Bays, Harbours and Creeks of the Southern part of the Coast of Newfoundland hereabove described, and of the Coast of Labrador; but so soon as the same, or any Portion thereof, shall be settled, it shall not be lawful for the said Fishermen to dry or cure Fish at such Portion so settled, without previous agreement for such purpose with the Inhabitants, Proprietors, or Possessors of the ground.—And the United States hereby renounce forever, any Liberty heretofore enjoyed or claimed by the Inhabitants thereof, to take, dry, or cure Fish on, or

within three marine Miles of any of the Coasts, Bays, Creeks, or Harbours of His Britannic Majesty's Dominions in America not included within the abovementioned limits; provided, however, that the American Fishermen shall be admitted to enter such Bays or Harbours for the purpose of Shelter and of repairing Damages therein, of purchasing Wood, and of obtaining Water, and for no other purpose whatever. But they shall be under such Restrictions as may be necessary to prevent their taking, drying or curing Fish therein, or in any other manner whatever abusing the Privileges hereby reserved to them"

Although the 1912 Agreement technically is still in force, the problems dealt with in that Agreement are not of major concern in the conduct of our present fisheries. To the best of our knowledge, the Permanent Mixed Fishery Commission referred to in the Agreement has never been an active international body such as the International North Pacific Fisheries Commission and the International Commission for the Northwest Atlantic Fisheries. The Permanent Mixed Fishery Commission has held no meetings in the past ten years and has had no impact on United States fishery interests.

SOCKEYE SALMON FISHERIES

Convention between the United States of America and Canada

Signed at Washington, May 26, 1930.

Ratification advised by the Senate of the United States subject to understandings, June 16, 1936.

Ratified by the President of the United States, subject to the said understandings, July 23, 1937.

Ratified by His Majesty in respect of Canada, June 26, 1937.

Ratifications exchanged at Washington, July 28, 1937.

Proclaimed by the President of the United States, August 4, 1937.

And Protocol of Exchange of Ratifications

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION.

WHEREAS a Convention between the United States of America and Canada for the protection, preservation and extension of the sockeye salmon fishery of the Fraser River system was concluded and signed by their respective Plenipotentiaries at Washington, on the twenty-sixth day of May, one thousand nine hundred and thirty, the original of which Convention is word for word as follows:

The President of the United States of America and His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, recognizing that the protection, preservation and extension of the sockeye salmon fisheries in the Fraser River system are of common concern to the United States of America and the Dominion of Canada; that the supply of this fish in recent years has been greatly depleted and that it is of importance in the mutual interest of both countries that this source of wealth should be restored and maintained, have resolved to conclude a Convention and to that end have named as their respective plenipotentiaries:

The President of the United States of America: Mr. Henry L. Stimson, Secretary of State of the United States of America; and

His Majesty, for the Dominion of Canada: The Honorable Vincent Massey, a member of His Majesty's Privy Council for Canada and His Envoy Extraordinary and Minister Plenipotentiary for Canada at Washington;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I

The provisions of this Convention and the orders and regulations issued under the authority thereof shall apply, in the manner and to the extent hereinafter provided in this Convention, to the following waters:

1. The territorial waters and the high seas westward from the western coast of the United States of America and the Dominion of Canada and from a direct line drawn from Bonilla Point, Vancouver Island, to the lighthouse on Tatoosh Island, Washington,—which line marks the entrance to Juan de Fuca Strait—and embraced between 48 and 49 degrees north latitude, excepting therefrom, however, all the waters of Barklay Sound, eastward of a straight line drawn from Amphitrite Point to Cape Beale and all the waters of Nitinat Lake and the entrance thereto.

2. The waters included within the following boundaries:

Beginning at Bonilla Point, Vancouver Island, thence along the aforesaid direct line drawn from Bonilla Point to Tatoosh Lighthouse, Washington, described in paragraph numbered 1 of this Article thence to the nearest point of Cape Flattery, thence following the southerly shore of Juan de Fuca Strait to Point Wilson, on Quimper Peninsula, thence in a straight line to Point Partridge on Whidbey Island, thence following the western shore of the said Whidbey Island, to the entrance to Deception Pass, thence across said entrance to the southern side of Reservation Bay, on Fidalgo Island, thence following the western and northern shore line of the said Fidalgo Island to Swinomish Slough, crossing the said Swinomish Slough, in line with the track of the Great Northern Railway, thence northerly following the shore line of the mainland to Atkinson Point at the northerly entrance to Burrard Inlet, British Columbia, thence in a straight line to the southern end of Bowen Island, thence westerly following the southern shore of Bowen Island to Cape Roger Curtis, thence in a straight line to Gower Point, thence westerly following the shore line to Welcome Point on Seachelt Peninsula, thence in a straight line to Point Young on Lasqueti Island, thence in a straight line to Dorcas Point on Vancouver Island, thence following the eastern and southern shores of the said Vancouver Island to the starting point at Bonilla Point, as shown on the United States Coast and Geodetic Survey Chart Number 6,300, as corrected to March 14, 1930, and on the British Admiralty Chart Number 573, copies of which are annexed to this Convention and made a part thereof.

3. The Fraser River and the streams and lakes tributary thereto.

The High Contracting Parties engage to have prepared as soon as practicable charts of the waters described in this Article, with the above described boundaries thereof and the international boundary indicated thereon. Such charts, when approved by the appropriate authorities of the Governments of the United States of America and the Dominion of Canada, shall be considered to have been substituted for the charts annexed to this Convention and shall be authentic for the purposes of the Convention.

The High Contracting Parties further agree to establish within the territory of the United States of America and the territory of the Dominion of Canada such buoys and marks for the purposes of this

Convention as may be recommended by the Commission hereinafter authorized to be established, and to refer such recommendations as the Commission may make as relate to the establishment of buoys or marks at points on the international boundary to the International Boundary Commission, United States-Alaska and Canada, for action pursuant to the provisions of the Treaty between the United States of America and His Majesty, in respect of Canada, respecting the boundary between the United States of America and the Dominion of Canada, signed February 24, 1925.

ARTICLE II

The High Contracting Parties agree to establish and maintain a Commission to be known as the International Pacific Salmon Fisheries Commission, hereinafter called the Commission, consisting of six members, three on the part of the United States of America and three on the part of the Dominion of Canada.

The Commissioners on the part of the United States of America shall be appointed by the President of the United States of America. The Commissioners on the part of the Dominion of Canada shall be appointed by His Majesty on the recommendation of the Governor General in Council.

The Commissioners appointed by each of the High Contracting Parties shall hold office during the pleasure of the High Contracting Party by which they were appointed.

The Commission shall continue in existence so long as this Convention shall continue in force, and each High Contracting Party shall have power to fill and shall fill from time to time vacancies which may occur in its representation on the Commission in the same manner as the original appointments are made. Each High Contracting Party shall pay the salaries and expenses of its own Commissioners, and joint expenses incurred by the Commission shall be paid by the two High Contracting Parties in equal moieties.

ARTICLE III

The Commission shall make a thorough investigation into the natural history of the Fraser River sockeye salmon, into hatchery methods, spawning ground conditions and other related matters. It shall conduct the sockeye salmon fish cultural operations in the waters described in paragraphs numbered 2 and 3 of Article I of this Convention, and to that end it shall have power to improve spawning grounds, construct, and maintain hatcheries, rearing ponds and other such facilities as it may determine to be necessary for the propagation of sockeye salmon in any of the waters covered by this Convention, and to stock any such waters with sockeye salmon by such methods as it may determine to be most advisable. The Commission shall also have authority to recommend to the Governments of the High Contracting Parties removing or otherwise overcoming obstructions to the ascent of sockeye salmon, that may now exist or may from time to time occur, in any of the waters covered by this Convention, where investigation may show such removal of or other action to overcome obstructions to be desirable. The Commission shall make an annual

report to the two Governments as to the investigations which it has made and other action which it has taken in execution of the provisions of this Article, or of other Articles of this Convention.

The cost of all work done pursuant to the provisions of this Article, or of other Articles of this Convention, including removing or otherwise overcoming obstructions that may be approved, shall be borne equally by the two Governments, and the said Governments agree to appropriate annually such money as each may deem desirable for such work in the light of the reports of the Commission.

ARTICLE IV

The Commission is hereby empowered to limit or prohibit taking sockeye salmon in respect of all or any of the waters described in Article I of this Convention, provided that when any order is adopted by the Commission limiting or prohibiting taking sockeye salmon in any of the territorial waters or on the High Seas described in paragraph numbered 1 of Article I, such order shall extend to all such territorial waters and High Seas, and, similarly, when in any of the waters of the United States of America embraced in paragraph numbered 2 of Article I, such order shall extend to all such waters of the United States of America, and when in any of the Canadian waters embraced in paragraphs numbered 2 and 3 of Article I, such order shall extend to all such Canadian waters, and provided further, that no order limiting or prohibiting taking sockeye salmon adopted by the Commission shall be construed to suspend or otherwise affect the requirements of the laws of the State of Washington or of the Dominion of Canada as to the procuring of a license to fish in the waters on their respective sides of the boundary, or in their respective territorial waters embraced in paragraph numbered 1 of Article I of this Convention, and provided further that any order adopted by the Commission limiting or prohibiting taking sockeye salmon on the High Seas embraced in a paragraph numbered 1 of Article I of this Convention shall apply only to nationals and inhabitants and vessels and boats of the United States of America and the Dominion of Canada.

Any order adopted by the Commission limiting or prohibiting taking sockeye salmon in the waters covered by this Convention, and any part thereof, shall remain in full force and effect unless and until the same be modified or set aside by the Commission. Taking sockeye salmon in said waters in violation of an order of the Commission shall be prohibited.

ARTICLE V

In order to secure a proper escapement of sockeye salmon during the spring or chinook salmon fishing season, the Commission may prescribe the size of the meshes in all fishing gear and appliances that may be operated during said season in the waters of the United States of America and/or the Canadian waters described in Article I of this Convention. At all seasons of the year the Commission may prescribe the size of the meshes in all salmon fishing gear and appliances that may be operated on the High Seas embraced in paragraph numbered 1 of Article I of this Convention, provided, however,

that in so far as concerns the High Seas, requirements prescribed by the Commission under the authority of this paragraph shall apply only to nationals and inhabitants and vessels and boats of the United States of America and the Dominion of Canada.

Whenever, at any other time than the spring or chinook salmon fishing season, the taking of sockeye salmon in waters of the United States of America or in Canadian waters is not prohibited under an order adopted by the Commission, any fishing gear or appliance authorized by the State of Washington may be used in waters of the United States of America by any person thereunto authorized by the State of Washington, and any fishing gear or appliance authorized by the laws of the Dominion of Canada may be used in Canadian waters by any person thereunto duly authorized. Whenever the taking of sockeye salmon on the High Seas embraced in paragraph numbered 1 of Article I of this Convention is not prohibited, under an order adopted by the Commission, to the nationals or inhabitants or vessels or boats of the United States of America or the Dominion of Canada, only such salmon fishing gear and appliances as may have been approved by the Commission may be used on such High Seas by said nationals, inhabitants, vessels or boats.

ARTICLE VI

No action taken by the Commission under the authority of this Convention shall be effective unless it is affirmatively voted for by at least two of the Commissioners of each High Contracting Party.

ARTICLE VII

Inasmuch as the purpose of this Convention is to establish for the High Contracting Parties, by their joint effort and expense, a fishery that is now largely nonexistent, it is agreed by the High Contracting Parties that they should share equally in the fishery. The Commission shall, consequently, regulate the fishery with a view to allowing, as nearly as may be practicable, an equal portion of the fish that may be caught each year to be taken by the fishermen of each High Contracting Party.

ARTICLE VIII

Each High Contracting Party shall be responsible for the enforcement of the orders and regulations adopted by the Commission under the authority of this Convention, in the portion of its waters covered by the Convention.

Except as hereinafter provided in Article IX of this Convention, each High Contracting Party shall be responsible, in respect of its own nationals and inhabitants and vessels and boats, for the enforcement of the orders and regulations adopted by the Commission, under the authority of this Convention, on the High Seas embraced in paragraph numbered 1 of Article I of the Convention.

Each High Contracting Party shall acquire and place at the disposition of the Commission any land within its territory required for the construction and maintenance of hatcheries, rearing ponds, and other such facilities as set forth in Article III.

ARTICLE IX

Every national or inhabitant, vessel or boat of the United States of America or of the Dominion of Canada, that engages in sock-eye salmon fishing on the High Seas embraced in paragraph numbered 1 of Article I of this Convention, in violation of an order or regulation adopted by the Commission, under the authority of this Convention, may be seized and detained by the duly authorized officers of either High Contracting Party, and when so seized and detained shall be delivered by the said officers, as soon as practicable, to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure, or elsewhere, as may be agreed upon with the competent authorities. The authorities of the country to which a person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of any order or regulation, adopted by the Commission in respect of fishing for sockeye salmon on the High Seas embraced in paragraph numbered 1 of Article I of this Convention, or of any law or regulation which either High Contracting Party may have made to carry such order or regulation of the Commission into effect, and to impose penalties for such violations; and the witnesses and proofs necessary for such prosecutions, so far as such witnesses or proofs are under the control of the other High Contracting Party shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

ARTICLE X

The High Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and the orders and regulations adopted by the Commission under the authority thereof, with appropriate penalties for violations.

ARTICLE XI

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty in accordance with constitutional practice, and it shall become effective upon the date of the exchange of ratifications which shall take place at Washington as soon as possible and shall continue in force for a period of sixteen years, and thereafter until one year from the day on which either of the High Contracting Parties shall give notice to the other of its desire to terminate it.

In witness whereof, the respective plenipotentiaries have signed the present Convention, and have affixed their seals thereto.

Done in duplicate at Washington on the twenty-sixth day of May, one thousand nine hundred and thirty.

[SEAL]	HENRY L. STIMSON
[SEAL]	VINCENT MASSEY

AND WHEREAS the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the twenty-eighth day of July, one thousand nine hundred and thirty-seven;

AND WHEREAS the said Convention was ratified by the United States of America subject to three understandings, made a part of the ratification, as follows:

(1) That the International Pacific Salmon Fisheries Commission shall have no power to authorize any type of fishing gear contrary to the laws of the State of Washington or the Dominion of Canada;

(2) That the Commission shall not promulgate or enforce regulations until the scientific investigations provided for in the convention have been made, covering two cycles of Sockeye Salmon runs, or eight years; and

(3) That the Commission shall set up an Advisory Committee composed of five persons from each country who shall be representatives of the various branches of the industry (purse seine, gill net, troll, sport fishing, and one other), which Advisory Committee shall be invited to all non-executive meetings of the Commission and shall be given full opportunity to examine and to be heard on all proposed orders, regulations or recommendations.

AND WHEREAS the aforesaid three understandings have been accepted by the Government of Canada, as is recorded in the Protocol of Exchange of ratifications of the said Convention;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof, subject to the three understandings herein recited.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourth day of August in the year of our Lord one thousand nine hundred and thirty-
[SEAL] seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

PROTOCOL OF EXCHANGE

The undersigned the Secretary of State of the United States of America and the Canadian Minister at Washington met this day for the purpose of exchanging ratifications of the convention between the United States of America and Canada for the protection, preservation and extension of the sockeye salmon fisheries of the Fraser River System, signed at Washington on May 26, 1930.

The Secretary of State of the United States of America stated that the convention is ratified on the part of the United States of America subject to the three understandings contained in the resolution of the Senate of the United States of America advising and consenting to ratification, a copy of which resolution was communicated to the Secretary of State for External Affairs of Canada by

the Minister of the United States of America at Ottawa in his note of July 7, 1936. These three understandings are as follows:

(1) That the International Pacific Salmon Fisheries Commission shall have no power to authorize any type of fishing gear contrary to the laws of the State of Washington or the Dominion of Canada;

(2) That the Commission shall not promulgate or enforce regulations until the scientific investigations provided for in the convention have been made, covering two cycles of Sockeye Salmon runs, or eight years; and

(3) That the Commission shall set up an Advisory Committee composed of five persons from each country who shall be representatives of the various branches of the industry (purse seine, gill net, troll, sport fishing, and one other), which Advisory Committee shall be invited to all non-executive meetings of the Commission and shall be given full opportunity to examine and to be heard on all proposed orders, regulations or recommendations.

The Canadian Minister stated that he was authorized by his Government to state that it accepted the foregoing understandings.

The exchange then took place in the usual manner.

IN WITNESS WHEREOF they have signed the present protocol and have affixed their seals hereto.

Done at Washington this twenty-eighth day of July, 1937.

CORDELL HULL [SEAL]

Secretary of State

of the United States of America

HERBERT M. MARLER. [SEAL]

Canadian Minister

SOCKEYE SALMON FISHERIES

Agreement between the United States of America and Canada
*Effected by Exchange of Notes Signed at Washington July 21 and
August 5, 1944*

The Canadian Chargé d'Affaires to the Secretary of State

CANADIAN EMBASSY
AMBASSADE DU CANADA

WASHINGTON, D.C.,
July 21, 1944.

No. 266
SIR,

I have the honour to refer to the Convention between Canada and the United States for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System, signed at Washington on May 26, 1930.

2. Under Article III of the Convention, the International Pacific Salmon Fisheries Commission is required to "make a thorough investigation into the natural history of the Fraser River sockeye salmon, into hatchery methods, spawning ground conditions and other related matters". The Commission may also recommend to the two Governments "removing or otherwise overcoming obstructions to the ascent of sockeye salmon, that may now exist or may from time to time occur, in any of the waters covered by this Convention, where investigation may show such removal of or other action to overcome obstructions to be desirable".

3. As a result of extensive investigation the Commission recommended to the two Governments on January 11, 1944, remedial measures for overcoming obstructions to the ascent of the salmon in Hell's Gate Canyon and further investigation and remedial measures for overcoming obstructions to the ascent of the salmon elsewhere in the Fraser River watershed. It was estimated that the costs of the works recommended would be \$2,000,000, which, in accordance with Article III, paragraph 2, of the Convention, would be shared equally between the two Governments. One copy of the letter and memorandum from the Commission under date of January 11, signed by the chairman and secretary are attached hereto as appendix A. Also attached as appendix B is one copy of a list of the remedial works recommended by the Commission.

4. The Canadian Government has approved of these recommendations of the Commission as set forth in its letter and report of January 11. A vote of \$1,000,000 to provide for Canada's share of the costs of these works has been recommended to Parliament. The Commission

has also been authorized by Order in Council P. C. 5002 of June 30, 1944, to let contracts for the remedial works recommended. One copy of Order in Council P. C. 5002, marked appendix C, is attached hereto.

5. The regular procedure for the payment of expenses properly incurred by the Commission is that such expenses are paid by the Canadian Government, one-half being recoverable later by Canada from the United States. This procedure was agreed to by the United States by your note of December 10, 1937.¹ It is acceptable to the Canadian Government that this procedure should be followed with respect to expenditures incurred by the Commission for the proposed remedial works.

6. It would appear desirable that the recommendations of the Commission as set forth in its letter and report of January 11, 1944 and the arrangements proposed for implementing these recommendations should be formally approved by Exchange of Notes between the two Governments.

7. If these proposals are acceptable to the Government of the United States, this note and your reply thereto accepting the proposals shall be regarded as placing on record the agreement of the two governments concerning this matter.

Accept, Sir, the renewed assurance of my highest consideration.

L B PEARSON
Charge d'Affaires.

The Honourable CORDELL HULL,
*Secretary of State of the United States,
Washington, D.C.*

APPENDIX "A"

[COPY]

January 11th, 1944.

SIR,

In the Pacific Northwest a particularly valuable species of salmon, known as Sockeye, was once so abundant that in 1913 it produced a pack of almost a quarter of a billion one pound cans which, at present prices, would be worth over forty million dollars. Now, one-eighth of that amount is considered a good pack.

The blasting of rocks during railroad construction in a narrow gorge of the Fraser River known as Hell's Gate Canyon, is charged with causing this huge decline by obstructing passage of the fish to their up-river spawning grounds. It is now believed, however, that great numbers of fish were fatally retarded at this canyon even under natural conditions.

Canada and the United States created this Commission to rehabilitate this once enormous food supply of the two nations—for though the spawning all takes place in Canada, United States fishermen get first chance to catch the fish as they pass through Puget Sound to approach the Fraser River mouth.

After intensive investigation it has been conclusively shown that the terrific rush and surge of water at Hell's Gate Canyon is largely responsible for failure of the salmon run to recover its former magni-

¹ [Not printed.]

tude. Furthermore, the Commission finds that construction of so-called fish-ladders at this point will largely eliminate the difficulty. Some lesser obstructions also should be eliminated.

The Treaty requires the Commission to recommend to the two Governments the removal of obstructions. Accordingly the Commission herewith submits a biological report showing the necessity for action, an engineering report showing the action required, and a request for two million dollars with which to accomplish the desired result.

Respectfully submitted,

INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION
By

"EDWARD W. ALLEN"

Chairman.

"A. J. WHITMORE"

Secretary.

Honourable ERNEST BERTRAND, K.C., P.C.,
Minister of Fisheries,
Ottawa.

RECOMMENDATION OF INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION FOR OVERCOMING OBSTRUCTIONS TO THE ASCENT OF SOCKEYE SALMON, PURSUANT TO TERMS OF A TREATY BETWEEN CANADA AND THE UNITED STATES

The International Pacific Salmon Fisheries Commission was created for the purpose of rehabilitating a Pacific Coast salmon run known as the sockeye salmon of the Fraser River. In its largest year this run produced almost a quarter of a billion pounds of finest quality canned salmon which at present prices would have a value of more than forty million dollars. An eighth of that amount is now considered a good pack.

Among causes suggested for this great decline were need for international regulation and damage to the runs by blasting of rocks and by rock slides during railroad construction in the narrow gorge of the Fraser River, up which the fish must ascend to reach their spawning grounds. The first function of the Commission was to determine what were the actual causes, next to suggest remedies, and after eight years to regulate the catch.

Sockeye salmon normally spawn in late summer or fall in gravel beds in streams which are near lakes, or in the lakes themselves in the upper Fraser River drainage area, some 90,000 square miles in extent. The eggs hatch in early spring, and the young usually spend a year in lakes, then go down to sea and when four years old return to the very stream in which they were born, then in turn to spawn and die. The production of each stream therefore depends upon the run to that stream four years before. In a big river system like the Fraser with its numerous feeder streams there are therefore many separate runs each year. These may occur at different times during a season, though in fact there is much overlapping of such runs.

If the salmon had to keep on their way upstream or die and a run lasted only 30 days and there was a period of 30 days right at the time of such run when the fish could not pass up the river, the conclusion would be natural that such run would not reproduce itself. The problem is not that simple. However, the Commission did find that salmon could only stand a limited delay and that if the delay exceeded such limit they dropped downstream and were lost for reproductive purposes.

The Commission further found that there were specific levels of the river during which the salmon were unable to get up through the terrific rush of water at Hell's Gate Canyon and that these impassable levels occurred during the salmon season, but varied greatly in time, length, and seriousness from year to year. In some years practically all the runs which had survived to that year got through. In other years the entire season was nearly impassable (in 1941 it is estimated that one million fish were unable to ascend the Canyon, dropped down below and died). In some years certain runs were affected; others were not.

It was also found that, although Hell's Gate Canyon was by far the most serious obstruction of this character, there were other places in the river system, each of which took its toll. Some forty such obstructions were specifically noted, of greatly varying importance, but a much more thorough survey of the seriousness of each, and of conditions at other points where difficulty may exist than the Commission has thus far been able to make, is essential. Moreover, the Commission found large areas apparently suitable to salmon spawning which never had been utilized because of some natural obstruction, and that it was probable that an adequate survey and proper remedial action would be the means of opening up such areas, thereby increasing the productivity of the system beyond what it had ever been.

A most important consideration is that a depleted run of sockeye salmon if given a reasonable opportunity recuperates rapidly. There are, however, great areas to which the runs of certain years have been completely destroyed. Such areas require distinctive treatment. Moreover, any measure of redress, in order to be effective, will require the aid of regulation of the catch.

Viewing the entire field, the Commission found that it would be uneconomical and unsound, if not wholly futile, to attempt to resort to any recuperative or regulatory measure if the same might in any year be rendered fruitless by reason of the restored runs being again depleted by being obstructed in their attempted passage up Hell's Gate Canyon or other points of difficulty.

Accordingly, it is essential that as a first step in an orderly rehabilitation of the sockeye salmon of the Fraser River system as a whole that this continuous threat of destruction at Hell's Gate Canyon be removed. After that, many runs will promptly proceed to restore themselves and this natural process can be going on while the Commission effectuates its plan to bring back lost runs as well as those so close to extinction as to require artificial stimulation, and to produce runs into new areas. Gradual removal of minor obstructions can also be carried on concurrently, as biological and engineering studies indicate the corrective action necessary.

These facts and conclusions are the result of six years of intensive investigation of every available source of information from official and commercial records and from one of the largest fish tagging experiments ever conducted, many thousands of fish having been tagged in salt water and at different parts of the river with observable celluloid tags these then having been collected by means of rewards and otherwise, also by the use of trained observers systematically stationed throughout the area.

Submitted herewith is a biological report from the Commission's scientific staff which presents a remarkable record of investigation and analysis. Dr. W. F. Thompson, until he came to this Commission, had been Scientific Director of the International Fisheries Commission (Halibut) and was largely responsible for the accomplishments of that Commission which have justly won world-wide recognition. He is now the Scientific Consultant for this Commission.

When the Commission became convinced that a basic difficulty in rehabilitating the Fraser sockeye salmon run lay at Hell's Gate Canyon, it not only concentrated its biological work to bear upon that point but also engaged the most experienced fishery engineers available. Milo Bell, the Commission's chief engineer, is the only active engineer in either nation who has specialized in fishery conservation devices directly related to Pacific salmon. And he in turn has had the assistance of Professor Charles W. Harris, an outstanding hydraulic engineer, as consultant.

So-called fish-ladders have been in use for many years as a means of enabling fish to ascend rivers blocked by dams and natural obstructions. The greatest installation heretofore made was at the Bonneville Dam on the lower Columbia River. The fishery devices at the Bonneville are said to have cost approximately \$7,000,000.00. Nevertheless, these fully justified the expenditure for they have successfully demonstrated their effectiveness in passing the well known Chinook salmon up the Columbia. The practical use of fish-ladders is therefore well recognized in the engineering field.

In the engineering report submitted herewith, the use of fish-ladders to obviate the Hell's Gate Canyon obstruction is presented. But although the Fraser salmon run substantially exceeds that of the Columbia both in quantity and value, the cost of the proposed fish-ladders at Hell's Gate Canyon, together with the estimated cost of investigating and overcoming other obstructions and incidental remedial proposals, all together is less than one-third of the cost of the work at Bonneville.

The Commission therefore requests a total appropriation of \$2,000,000, one-half from Canada, one-half from the United States, for the purposes above outlined. One good year's run restored should produce a catch ten times the entire proposed investment. And under continued and adequate regulation and protection, this enormous food resource should become recurrent year after year in perpetuity.

Respectfully submitted,

INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION
By

"EDWARD W. ALLEN"

Chairman.

"A. J. WHITMORE"

Secretary.

January 11th, 1944.

APPENDIX B

Obstructions on the Fraser River watershed, the investigation and improvement of which is recommended by the International Pacific Salmon Fisheries Commission

Stream	Name of obstruction and location	Description and importance	Remedial measures
1. Fraser River.....	Hell's Gate Canyon.	Impassable obstruction at certain water levels. Principal spawning grounds of the Fraser system are controlled largely by conditions at this point.	Construction of permanent fish-ways on each bank at point of obstruction.
2. Fraser River.....	Bridge River Rapids, 6 miles above Lillooet.	Two rapids 900 ft. apart. Both serious obstructions to salmon migration below 20 ft. level. Over ¾ of available spawning area above this point. Formerly bulk of escapement spawned above this obstruction.	Construct fish-ways and improve channel for each rapids on both banks of river.
3. Lillooet River....	Skookumebuck Rapids, 18 miles above Harrison Lake.	Rapids in constricted, canyon-bound channel. Records of sockeye delayed from 1 to 21 days. Blockade forms above 1 ft. level on gauge. Commonly inflicts heavy mortality on important Birkenhead run.	Install fish-way on left bank and alter channel. Include 10 ft. maximum water fluctuations.
4. Chilootin River..	Farwell Canyon, 11 miles from mouth.	Constricted, bed-rock channel with fall of 4 to 6 ft. at obstruction. Blockade above 3 ft. level on gauge. Over 15% of Chilkoot run normally lost at this obstacle.	Construct fish-way on left bank. Blast out in rock on right bank. Cover 6 ft. maximum water fluctuations.
5. Chilkoot River....	Keighley Holes 7 miles above confluence of Chilkoot River.	Channel between high dirt banks. Large boulders in bed cause fall of 5 ft. at obstruction. Chilkoot run delayed at all common water levels.	Remove boulders and rock debris from channel. Construct baffles on right bank to reduce velocity of flow.
6. Quesnel River....	Rapids 4 miles below Likely.	Obstruction caused by tailings from Bouillon mine. Present channel is constricted by dumped rock so that velocity of flow is too great for natural passage of salmon.	Remove rock debris from channel and restore original conditions.
7. Stellako River...	Falls 4 miles above Fraser Lake.	A 3 ft. falls located in spawning area is ascended with difficulty. Elimination of obstruction would encourage extension of spawning area to desirable streams above.	Reduce flow in channel.
8. Bowron River....	Gravel bars, mouth of Bowron River.	At low water stages there is not sufficient water on gravel bars to allow salmon to ascend.	Dredge one main channel for entire flow of river.
9. Morris Creek....	Shallow channel. Mouth of Morris Creek.	Similar to above. At low water channel nearly dry caused by seepage near mouth. Run commonly delayed two to three weeks before able to enter.	Concentrate flow into one main channel.
Stream	Tributary to—	Description	Remedial measures
10. Boise Creek.....	Upper Pitt River.	Excellent sockeye stream with large amount of potential spawning area. Numerous log jams present of which some are impassable to salmon. Serious damage done by floods.	Remove log jams and improve spawning conditions.
11. Douglas Creek...	Harrison Lake....	Spawning beds scoured by logs and further damaged by floods. Formerly a very important spawning stream.	Remove log jams from channel.
12. Railway Creek...	Upper Lillooet River.	Beaver dam is located ¼ mile above mouth. Good spawning area above dam. Sockeye now limited to lower part of stream.	Transplant beavers to non-salmon stream. Remove dam.
13. McKenzie Creek.	Upper Lillooet River.	Beaver dam located 20 yards from mouth. Sockeye formerly spawned above dam but now confined to lower part of stream.	Transplant beavers to non-salmon stream and remove dam.

Obstructions on the Fraser River watershed, the investigation and improvement of which is recommended by the International Pacific Salmon Fisheries Commission—Continued

Stream	Tributary to—	Description	Remedial measures
14. Pemherton Creek.	One-mile Lake....	Numerous log jams which not only block salmon but encourage shifting of channel during high water. Formerly supported run of sockeye.	Remove log jams and re-establish channel in former location.
15. Silver Creek....	Fraser River.....	Place of difficult passage 1-3 miles below lake. Caused by log jams and rapids. Excellent spawning area above.	Remove log jams and improve channel.
16. Nahatlatch River.	Fraser River.....	Large log jam at outlet of lake and numerous log jams on spawning areas that limit areas used by salmon. Extensive spawning area available and formerly produced large run of sockeye.	Remove log jams and general stream improvement.
17. Momich River...	Adams Lake.....	Series of rapids $\frac{3}{4}$ mile from mouth. Sockeye spawn in lower part of creek.	Install fishpass in channel so that sockeye can ascend to upper regions.
18. Scotch Creek....	Shuswap Lake....	Large log jams near mouth of creek. Channel changes frequently during high water. Only remnant of former large run remains.	Remove log jams and establish channel.
19. Mann Creek....	North Thompson River.	Beaver dams near mouth which limits present spawning area. Log jams and dense brush in stream $\frac{1}{2}$ mile from mouth. Present depleted run spawn at mouth.	Transplant beaver to non-salmon stream. Remove dam and log jams. Improve spawning area generally.
20. Finn Creek.....	North Thompson River.	Large impassable log jams throughout entire spawning area. Channel frequently changes. Few salmon spawn in creek at present.	Remove log jams and establish channel. Make general stream improvements.
21. Gates Creek.....	Anderson Lake....	Numerous log jams in creek form definite obstruction to migration of salmon. Formerly important spawning area but now runs only spawn near mouth.	Remove log jams and improve spawning area.
22. McKinley Creek.	Horsefly River....	Log jams in creek prevent salmon ascending lakes above which were used for spawning before 1913.	Remove log jams and improve channel for salmon migration.
23. Nadina River...	Franks Lake.....	One serious log jam and numerous minor ones. Small runs of sockeye and spawn in river. Large areas suitable for spawning in upper portion of stream.	Remove log jams and improve spawning area.
24. Forfar Creek....	Middle River.....	Impassable log jams 3 miles above mouth. Good spawning stream and would increase the spawning area available.	Remove log jams.
25. Kynoch Creek...	Middle River.....	Impassable log jams 3 to 4 miles above mouth. Important spawning stream of this district.	Remove log jams.
26. Rossette Creek...	Middle River.....	Log jams and brush block stream $\frac{1}{2}$ mile from mouth. Formerly good spawning creek but only remnant of former run remains.	Remove log jams and improve stream conditions.
27. Narrows Creek...	Takla Lake.....	Numerous log jams cause constant shifting of channel. Formerly excellent spawning stream but now nearly void of fish.	Remove log jams and restore stream to former condition.
28. Pomeroy Creek.	Bowron River....	Beaver dam at mouth entirely blocks creek to salmon. This stream formerly supported over $\frac{3}{4}$ of the Bowron run.	Transplant beaver to non-salmon stream. Remove dam.
29. Indianpoint Creek.	Bowron River....	Four beaver dams on creek and spawning tributaries. Formerly important spawning and nursery area. No sockeye can enter creek at present.	Transplant beaver to non-salmon stream. Remove all dams and improve stream conditions.

Obstructions on the Fraser River watershed, the investigation and improvement of which is recommended by the International Pacific Salmon Fisheries Commission—Continued

Stream	Location of obstruction	Description	Remedial measures
30. Nicola River....	Dam at outlet of Nicola Lake.	The irrigation dam has a poorly designed fishway and an unscreened diversion channel just above the dam. This was formerly good salmon spawning area.	Install satisfactory fishway and revolving screen on diversion channel.
31. Adams River....	Dam at outlet of Adams Lake.	The old sluice dam, not in use at present, has an inadequate fishway. The dam is in poor repair and structure is rotten.	Remove dam or install efficient fishways.
32. Louis Creek.....	Dam on creek for C.N.R. water supply and irrigation.	Fishway in dam closed during salmon run. Salmon drop back into irrigation ditches and die unspawned. Many fry are lost in ditches.	Install revolving screens on diversions and have sufficient water guaranteed during salmon runs for proper operation of fishways.
33. Barriere River..	Hydroelectric project located ten miles above mouth.	Dam is 12 to 15 feet high. Fishway is very poor and usually dry during salmon run. This was formerly a good sockeye spawning area. Flume to turbines is unscreened.	Construct new fishpass over dam and screen turbine intake.
34. Lemieux Creek..	Low irrigation dam on creek 2 miles above mouth.	Dam is 32 in. high with no fishway installed and during low water is a complete barrier to salmon migration. Unscreened diversion above dam.	Construct fishway in dam and install revolving screen in diversion.
35. Scotch Creek.....	Irrigation dam 2½ miles from mouth.	The 3-foot dam has no fishway and cuts off the former main spawning area. Also has unscreened diversion.	Install fishway and construct revolving screen in diversion.
36. Seton Creek.....	Hydroelectric and water supply.	Fishway now installed is not satisfactory for passage of salmon. Formerly important spawning area; now nearly depleted.	Construct proper fishway.
37. Conni Lake.....	Dry channel.....	Divert Klokken Creek into original channel emptying into Conni Lake. Sockeye formerly spawned in this area.	Divert creek into old channel.

APPENDIX C

P.C. 5002

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 30th day of JUNE, 1944

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Fisheries reports that the following item appears in the Estimates tabled in Parliament for the fiscal year 1944-45:

Vote 83 To provide for Canadian share of expenses of the International Pacific Salmon Fisheries Commission to overcome obstructions to the ascent of sockeye salmon at Hell's Gate Canyon, and for investigating and overcoming obstructions to such salmon at other points on the Fraser River Watershed----- \$1,000,000

That a similar sum has been provided for the same purpose by the Government of the United States, thus enabling the work to proceed at joint expense;

That persons who, in the opinion of the Minister, may be interested in the work contemplated at Hell's Gate, including the Government of the Province of British Columbia, the Canadian Pacific Railway Company and the Canadian National Railways, have been consulted with reference thereto and that such persons have no objection thereto provided their interests are adequately safeguarded;

That by arrangements between Canada and the United States all expenditures properly incurred by the Commission are paid by the Canadian Government, one-half of such payments to be recovered later by Canada from the United States Government; and

That it is, by reason of the war, necessary for the security, defence, peace, order and welfare of Canada that the Order hereinafter set forth be made.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries, and under the authority of the War Measures Act, is pleased, hereby, to authorize the International Pacific Salmon Fisheries Commission constituted pursuant to the Fraser River Sockeye Convention, confirmed by chapter ten of the Statutes of Canada, one thousand, nine hundred and thirty, to enter into contracts in the name of His Majesty in right of Canada for the execution of the work at Hell's Gate Canyon and other points on the Fraser River, British Columbia, for which money

is, or is to be, provided by the said Vote 83 hereinbefore set out; and is further pleased to authorize and doth hereby authorize the chairman and secretary of the said Commission to execute any such contract on behalf of the Commission.

A. J. P. HEENEY.
Clerk of the Privy Council

The Secretary of State to the Canadian Chargé d'Affaires ad interim

DEPARTMENT OF STATE
 WASHINGTON
 August 5, 1944

Sir:

I have your Embassy's note No. 266 of July 21, 1944, with enclosures, in regard to the recommendation of remedial measures for overcoming obstructions to the ascent of the salmon in Hell's Gate Canyon and further investigation and remedial measures for overcoming obstructions to the ascent of the salmon elsewhere in the Fraser River system, which, pursuant to Article III of the Convention between the United States and Canada for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River system, signed at Washington on May 26, 1930, was made to the American and Canadian Governments on January 11, 1944 by the International Pacific Salmon Fisheries Commission.

As you point out the estimated cost of the works recommended, which was two million dollars, would in accordance with Article III, paragraph 2 of the Convention, be shared equally between the two governments.

The Government of the United States has approved the recommendation of the Commission as set forth in its letter and report of January 11, 1944, and the accompanying documents including the "General Engineering Report Covering Fraser River Fisheries Projects" and the first Deficiency Appropriation Act, 1944, approved April 1, 1944 (Public Law 279, 78th Congress), contained the following appropriation:

"INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION

Restoration of salmon runs Fraser River system: For the share of the United States of expenses incident to the work of improving facilities for sockeye salmon migration in the Fraser River by the International Pacific Salmon Fisheries Commission, under the convention between the United States and Canada, concluded May 26, 1930, including personal services; traveling expenses; rent; purchase, maintenance, repair, and operation of not to exceed four motor-propelled, passenger-carrying vehicles; purchase of furniture, instruments, and equipment; construction of fishways; removal of obstructions and stream improvement; construction of warehouse for storage of equipment; and such other expenses as the Secretary of State may deem proper, to be expended under his direction, \$1,000,000, to remain available until expended."

The Department observes from paragraph 5 of your note that it is acceptable to the Canadian Government that the regular procedure whereunder expenses properly incurred by the Commission are paid by the Canadian Government, one-half being recoverable later by Canada from the United States, should be followed with respect to expenditures incurred by the Commission for the proposed remedial works. The Government of the United States agrees to this procedure and, subject to the limits of the above-quoted appropriation, will reimburse the Canadian Government for one-half of the joint expenses properly incurred by the Commission in connection with the remedial works in question, the full amount of such expenses having been paid by the Government of Canada, is being understood that in the settlement of such amounts the procedure now observed by the two governments in settling the joint expenses of the Commission will be followed.

Accept, Sir, the renewed assurances of my high consideration,

For the Secretary of State:

G. HOWLAND SHAW

Mr. MERCHANT MAHONEY

Chargé d'Affaires ad interim of Canada

SOCKEYE AND PINK SALMON FISHERIES

Protocol between the United States of America and Canada

Protocol amending the convention of May 26, 1930.

Signed at Ottawa December 28, 1956;

*Ratification advised by the Senate of the United States of America
June 6, 1957;*

*Ratified by the President of the United States of America June 18,
1957;*

Ratified by Canada April 19, 1957;

Ratifications exchanged at Ottawa July 3, 1957;

*Proclaimed by the President of the United States of America July 24,
1957;*

Entered into force July 3, 1957.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a protocol between the Government of the United States of America and the Government of Canada to the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fisheries in the Fraser River System signed at Washington on the 26th day of May 1930 was signed at Ottawa on December 28, 1956, the original of which protocol is word for word as follows:

PROTOCOL BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA TO THE CONVENTION FOR THE PROTECTION, PRESERVATION, AND EXTENSION OF THE SOCKEYE SALMON FISHERIES IN THE FRASER RIVER SYSTEM, SIGNED AT WASHINGTON ON THE 26TH DAY OF MAY, 1930.

The Government of the United States of America and the Government of Canada, desiring to coordinate the programs for the conservation of the sockeye and pink salmon stocks of common concern by amendment of the Convention between the United States of America and Canada for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System, signed at Washington on the 26th day of May, 1930, hereinafter referred to as the Convention,

Have agreed as follows:

ARTICLE I

The Convention as amended by the present Protocol shall apply to pink salmon with the following exception:

The understanding stipulated in the Protocol of Exchange of Ratification signed at Washington on the 28th day of July, 1937, which provides that "the Commission shall not promulgate or enforce regulations until the scientific investigations provided for in the Convention have been made, covering two cycles of sockeye salmon runs, or eight years;" shall not apply to pink salmon.

ARTICLE II

The following words shall be deleted from the first sentence of Article IV of the Convention:

" . . . that when any order is adopted by the Commission limiting or prohibiting taking sockeye salmon in any of the territorial waters or on the High Seas described in paragraph numbered 1 of Article I, such order shall extend to all such territorial waters and High Seas, and, similarly, when in any of the waters of the United States of America embraced in paragraph numbered 2 of Article I, such order shall extend to all such waters of the United States of America, and when in any of the Canadian waters embraced in paragraphs numbered 2 and 3 of Article I, such order shall extend to all such Canadian waters, and provided further. . . ."

ARTICLE III

The following paragraph shall be added to Article VI of the Convention:

"All regulations made by the Commission shall be subject to approval of the two Governments with the exception of orders for the adjustment of closing or opening of fishing periods and areas in any fishing season and of emergency orders required to carry out the provisions of the Convention."

ARTICLE IV

Article VII of the Convention shall be replaced by the following Article:

"The Commission shall regulate the fisheries for sockeye and for pink salmon with a view to allowing, as nearly as practicable, an equal portion of such sockeye salmon as may be caught each year and an equal portion of such pink salmon as may be caught each year to be taken by the fishermen of each Party."

ARTICLE V

Paragraph (3) of the understandings stipulated in the Protocol of Exchange of Ratifications signed at Washington on the 28th day of July, 1937, shall be amended to read as follows:

"That the Commission shall set up an Advisory Committee composed of six persons from each country who shall be repre-

sentatives of the various branches of the industry including, but not limited to, purse seine, gill net, troll sport fishing and processing, which Advisory Committee shall be invited to all non-executive meetings of the Commission and shall be given full opportunity to examine and to be heard on all proposed orders, regulations or recommendations."

ARTICLE VI

1. The Parties shall conduct a coordinated investigation of pink salmon stocks which enter the waters described in Article I of the Convention for the purpose of determining the migratory movements of such stocks. That part of the investigation to be carried out in the waters described in Article I of the Convention shall be carried out by the Commission.

2. Except with regard to that part of the investigation to be carried out by the Commission, the provisions of Article III of the Convention with respect to the sharing of cost shall not apply to the investigation referred to in this Article.

3. The Parties shall meet in the seventh year after the entry into force of this Protocol to examine the results of the investigation referred to in this Article and to determine what further arrangements for the conservation of pink salmon stocks of common concern may be desirable.

ARTICLE VII

Nothing in the Convention or this Protocol shall preclude the Commission from recording such information on stocks of salmon other than sockeye or pink salmon as it may acquire incidental to its activities with respect to sockeye and pink salmon.

ARTICLE VIII

The present Protocol shall be ratified and the exchange of the instruments of ratification shall take place in Ottawa as soon as possible. It shall come into force on the day of the exchange of the instruments of ratification.

IN WITNESS WHEREOF the undersigned, duly authorized by their respective Governments, have signed this Protocol and have affixed thereto their seals.

Done in duplicate at Ottawa this 28th day of December, 1956.

For the Government of the United States of America:

[SEAL]

LIVINGSTON T. MERCHANT
WM C HERRINGTON

For the Government of Canada:

[SEAL]

JAMES SINCLAIR

WHEREAS the Senate of the United States of America by their resolution of June 6, 1957, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said protocol;

WHEREAS the said protocol was duly ratified by the President of the United States of America on June 18, 1957, in pursuance of the

aforesaid advice and consent of the Senate, and was duly ratified on the part of Canada;

WHEREAS the respective instruments of ratification of the said protocol were duly exchanged at Ottawa on July 3, 1957;

AND WHEREAS it is provided in Article VIII of the said protocol that the protocol shall come into force on the day of the exchange of the instruments of ratification;

Now, THEREFORE, be it known that I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim and make public the said protocol to the end that the same and each and every article and clause thereof may be observed and fulfilled with good faith, on and after July 3, 1957, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-fourth day of July in the year of our Lord one thousand nine hundred fifty-seven
[SEAL] and of the Independence of the United States of America the one hundred eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER

Acting Secretary of State

JANUARY 1965

INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION—ACCOMPLISHMENTS AND OUTLOOK

The International Pacific Salmon Fisheries Commission is charged by the Sockeye Salmon Fisheries Convention and its amendment the Pink Salmon Protocol with the preservation, protection and extension of the sockeye and pink salmon runs to the Fraser River system.

The Commission's initial task was to determine the cause of the decline of the sockeye runs to the Fraser River. Investigations were conducted which showed that the obstruction at Hell's Gate was the principal cause of the decline and recommendations were made for remedial works. Fishways were constructed at Hell's Gate in the period 1944-1946 which provided the means of rebirth of the sockeye runs above Hell's Gate. Other natural obstructions to sockeye migration were observed and a total of 15 fishways have now been built at a cost of approximately two million dollars paid equally by the Canadian and U.S. Governments. These works have made the Fraser River system more accessible to sockeye than at any time in history. Coupled with these works, the Commission has recommended fishing regulations designed to restore and extend the runs. As a result, the sockeye runs have been restored to 58 percent of their historical level. The 58 percent level of restoration represents an annual increase in the canned salmon value of \$15,537,170—half of which accrues to each country.

In addition the regulations have achieved the requirements of dividing the allowable catch equally between United States and Canadian fishermen and of obtaining proper escapements for the preservation and extension of the runs. A total of 60,158,000 sockeye have been taken from 1946, when the Commission was empowered to regulate the catch, through 1962. This total catch was divided as follows: 30,102,000 to the United States fishermen and 30,053,000 to the Canadian fishermen.

Since 1957 investigations have been conducted on the migrations of pink salmon through Convention waters and a report on these investigations has been submitted to the Contracting Parties for examination as required by the Pink Salmon Protocol. The data collected during these investigations provide a factual basis for regulation of the pink salmon stocks entering Convention waters.

The Commission initiated and is continuing a research program to examine the effects of other water use projects on sockeye and pink salmon and to determine means of preventing loss of production. As a result of this work the Commission has been instrumental in protecting both sockeye and pink salmon from developments which could have greatly reduced the catches by fishermen of both the United

States and Canada. The program has been expanded to consider the pollution problems that will ensue from the inevitable growth of population and development of industry within the Fraser River watershed. A small but competent staff is now providing much needed data which is not available from any other source, and the Commission is able to make valuable technical recommendations for the protection of the salmon as required in the Convention.

The Commission has been conducting research into means of obtaining full rehabilitation of depleted sockeye runs and also into means of expanding the runs. This research has advanced to the point where the Commission now believes practical application must be made in order to obtain the large benefits that are possible. A five year plan of construction was started in 1964 to provide artificial spawning channels and other works for the protection of runs affected by adverse environment, for supplementing the production of sockeye runs where the lake rearing areas are not being fully utilized, and for supplementing pink salmon spawning areas which are of limited capacity. It is expected that these measures will provide the means of increasing the production of sockeye and pink salmon to and beyond the historical levels.

**HALIBUT FISHING VESSELS—PORT PRIVILEGES ON
THE PACIFIC COASTS OF THE UNITED STATES OF
AMERICA AND CANADA**

Convention between the United States of America and Canada

Signed at Ottawa March 24, 1950.

*Ratification advised by the Senate of the United States of America
June 27, 1950;*

Ratified by the President of the United States of America July 3, 1950;

Ratified by Canada June 21, 1950;

Ratifications exchanged at Ottawa July 13, 1950;

*Proclaimed by the President of the United States of America August
2, 1950;*

Entered into force July 13, 1950.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention between the United States of America and Canada for the extension of port privileges to halibut fishing vessels on the Pacific Coasts of the United States of America and Canada was signed by their respective plenipotentiaries at Ottawa on March 24, 1950, the original of which convention is word for word as follows:

**CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND
CANADA FOR THE EXTENSION OF PORT PRIVILEGES TO HALIBUT
FISHING VESSELS ON THE PACIFIC COASTS OF THE UNITED STATES
OF AMERICA AND CANADA**

PREAMBLE

The Government of the United States of America and the Government of Canada, desiring to further the well-being of their fishermen engaged in the halibut fishery of the North Pacific Ocean by extending to the halibut fishing vessels of each other certain privileges in ports of the Pacific Coasts of the United States of America and Canada,

respectively, have resolved for that purpose to conclude a Convention, and to that end have appointed as their Plenipotentiaries:

The Honourable LAURENCE A. STEINHARDT for the United States of America, and

The Honourable ROBERT WELLINGTON MAYHEW for Canada.

Who, having communicated to each other their full powers found in good and due form, have agreed as follows:

ARTICLE I

Fishing vessels of the United States of America engaged in the North Pacific halibut fishery only shall, subject to compliance with applicable customs, navigation, and fisheries laws of Canada, have the privileges in the ports of entry of Canada.

(1) to land their catches of halibut and sablefish without the payment of duties and

(a) sell them locally on payment of the applicable customs duty;

(b) trans-ship them in bond under customs supervision to any port of the United States of America; or

(c) sell them in bond for export, and

(2) to obtain supplies, repairs, and equipment.

ARTICLE II

Fishing vessels of Canada engaged in the North Pacific halibut fishery only shall, subject to compliance with applicable customs and navigation laws of the United States of America, have the privileges in the ports of entry of the United States of America

(1) to land their catches of halibut and sablefish without the payment of duties and

(a) sell them locally on payment of the applicable customs duty;

(b) trans-ship them in bond under customs supervision to any port of Canada; or

(c) sell them in bond for export; and

(2) to obtain supplies, repairs, and equipment.

ARTICLE III

This Convention shall be ratified and the instruments of ratification shall be exchanged at Ottawa as soon as possible.

ARTICLE IV

This Convention shall come into effect immediately upon the exchange of ratifications. It shall continue in effect for a period of one year from that date and indefinitely after that period, but may be terminated by either of the Contracting Governments at the end of the one year period or at any time thereafter provided that at least twelve months prior notice of termination has been given.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention.

Done at Ottawa, in duplicate, in the English language, both texts being equally authentic, this 24th day of March, 1950.

For the United States of America :

LAURENCE A. STEINHARDT

For Canada :

R. W. MAYHEW

WHEREAS the Senate of the United States of America by their Resolution of June 27, 1950, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention ;

WHEREAS the said convention was duly ratified by the President of the United States of America on July 3, 1950, in pursuance of the aforesaid advice and consent of the Senate, and was duly ratified on the part of Canada ;

WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Ottawa on July 13, 1950 ;

AND WHEREAS it is provided in Article IV of the said convention that the convention shall come into effect immediately upon the exchange of ratifications ;

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and each and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this second day of August in the year of our Lord one thousand nine hundred fifty and of [SEAL] the Independence of the United States of America the one hundred seventy-fifth.

HARRY S TRUMAN

By the President :

DEAN ACHESON

Secretary of State

STATEMENT OF U.S. SENATE COMMITTEE ON COMMERCE STAFF

JANUARY 1965

CONVENTION WITH CANADA FOR THE EXTENSION OF
PORT PRIVILEGES TO HALIBUT FISHING VESSELS

The extension of port privileges in Canada to American halibut fishermen and in the United States to Canadian fishermen was provided on a somewhat informal basis until 1950, when a treaty was negotiated. This treaty, identified as "Series 2096—Port Privileges on Pacific Coasts of the United States of America and Canada," was entered into force on July 13, 1950, and was proclaimed by the President on August 2, 1950.

The exchange of halibut landing privileges has worked out very satisfactorily for both countries with no real problems in Canada. The growing fish processing industry at Bellingham, Washington, is dependent to a large extent to halibut landed by Canadian fishermen. Normally more than half of the halibut landed there are fished by Canadians. Also, at Sand Point, Alaska, the halibut processing industry is heavily dependent on Canadian landings.

Herewith is a recapitulation of halibut landed in United States ports by Canadian fishermen, and of halibut landed in Canadian ports by United States fishermen during the past 5 years.

Halibut landed in U.S. ports by Canadians and in Canadian ports by U.S. fishermen, 1960-1964

[In thousands of pounds, dressed weight]

Port	1960	1961	1962	1963	1964
Seattle, Wash.	2,444	420	877	1,392	1,241
Bellingham, Wash.	937	1,493	3,256	2,880	1,745
Southeast Alaska	720	835	1,600	1,825	1,423
Central Alaska (predominantly Sand Point)	2,524	1,804	4,123	5,244	4,638
Total United States	6,625	4,552	9,856	11,341	8,049
Prince Rupert, Canada	1,063	1,755	644	734	562

PRESERVATION OF HALIBUT FISHERY OF NORTHERN PACIFIC OCEAN AND BERING SEA

Convention between the United States of America and Canada

Signed at Ottawa March 2, 1953;

*Ratification advised by the Senate of the United States of America
July 27, 1953;*

*Ratified by the President of the United States of America August 18,
1953;*

Ratified by Canada October 14, 1953;

Ratifications exchanged at Washington October 28, 1953;

*Proclaimed by the President of the United States of America Janu-
ary 7, 1954;*

Entered into force October 28, 1953.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention between the United States of America and Canada for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea was signed at Ottawa on March 2, 1953, the original of which convention, in the English language, is word for word as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND CANADA FOR THE PRESERVATION OF THE HALIBUT FISHERY OF THE NORTHERN PACIFIC OCEAN AND BERING SEA

The Government of the United States of America and the Government of Canada, desiring to provide more effectively for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, have resolved to conclude a Convention replacing the Convention signed at Ottawa, January 29, 1937 and have named as their plenipotentiaries:

The Government of the United States of America :

THE HONOURABLE DON C. BLISS,

Chargé d'Affaires ad interim.

THE HONOURABLE WILLIAM C. HERRINGTON,

Special Assistant for Fisheries and Wildlife to the Under-Secretary
of State.

The Government of Canada :

THE HONOURABLE JAMES SINCLAIR,
Minister of Fisheries.

THE HONOURABLE HUGUES LAPOINTE,
Minister of Veterans Affairs.

who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

Article I

1. The nationals and inhabitants and fishing vessels and boats of the United States of America and of Canada, respectively, are hereby prohibited from fishing for halibut (*Hippoglossus*) in Convention waters as herein defined, except as provided by the International Pacific Halibut Commission in regulations designed to develop the stocks of halibut in the Convention waters to those levels which will permit the maximum sustained yield and to maintain the stocks at those levels pursuant to Article III of this Convention.

2. "Convention waters" means the territorial waters and the high seas off the western coasts of the United States of America and of Canada, including the southern as well as the western coasts of Alaska.

3. It is understood that nothing contained in this Convention shall prohibit the nationals or inhabitants or the fishing vessels or boats of the United States of America or of Canada from fishing in the Convention waters for other species of fish during any season when fishing for halibut in the Convention waters is prohibited by this Convention or any regulations adopted pursuant to this Convention. It is further understood that nothing contained in this Convention shall prohibit the International Pacific Halibut Commission from conducting or authorizing fishing operations for investigation purposes at any time.

Article II

1. Every national or inhabitant, vessel or boat of the United States of America or of Canada engaged in fishing on the high seas in violation of this Convention or of any regulation adopted pursuant thereto may be seized by duly authorized officers of either Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure or elsewhere as may be agreed upon. The authorities of the country to which such person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of the provisions of this Convention or any regulations which may be adopted in pursuance thereof and to impose penalties for such violation, and the witnesses and proof necessary for such prosecutions, so far as any witnesses or proofs are under the control of the other Contracting Party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

2. Each Contracting Party shall be responsible for the proper observance of this Convention and of any regulations adopted under the provisions thereof in the portion of its waters covered thereby.

Article III

1. The Contracting Parties agree to continue under this Convention the Commission known as the International Fisheries Commission established by the Convention for the preservation of the halibut fishery, signed at Washington, March 2, 1923, continued by the Convention signed at Ottawa, May 9, 1930, and further continued by the Convention, signed at Ottawa, January 29, 1937, except that after the date of entry into force of this Convention it shall consist of six members, three appointed by each Contracting Party, and shall be known as the International Pacific Halibut Commission. This Commission shall make such investigations as are necessary into the life history of the halibut in the Convention waters and shall publish a report of its activities and investigations from time to time. Each Contracting Party shall have power to fill, and shall fill from time to time, vacancies which may occur in its representation on the Commission. Each Contracting Party shall pay the salaries and expenses of its own members. Joint expenses incurred by the Commission shall be paid by the two Contracting Parties in equal moieties. All decisions of the Commission shall be made by a concurring vote of at least two of the Commissioners of each Contracting Party.

2. The Contracting Parties agree that for the purpose of developing the stocks of halibut of the Northern Pacific Ocean and Bering Sea to levels which will permit the maximum sustained yield from that fishery and for maintaining the stocks at those levels, the International Pacific Halibut Commission, with the approval of the President of the United States of America and of the Governor General in Council of Canada, may, after investigation has indicated such action to be necessary, in respect of the nationals and inhabitants and fishing vessels and boats of the United States of America and of Canada, and in respect of halibut:

- (a) divide the Convention waters into areas;
- (b) establish one or more open or closed seasons, as to each area;
- (c) limit the size of the fish and the quantity of the catch to be taken from each area within any season during which fishing is allowed;
- (d) during both open and closed seasons, permit, limit, regulate, or prohibit, the incidental catch of halibut that may be taken, retained, possessed, or landed from each area or portion of an area, by vessels fishing for other species of fish;
- (e) prohibit departure of vessels from any port or place, or from any receiving vessel or station, to any area for halibut fishing, after any date when in the judgment of the International Pacific Halibut Commission the vessels which have departed for that area prior to that date or which are known to be fishing in that area shall suffice to catch the limit which shall have been set for that area under section (c) of this paragraph;
- (f) fix the size and character of halibut fishing appliances to be used in any area;
- (g) make such regulations for the licensing and departure of vessels and for the collection of statistics of the catch of halibut as it shall find necessary to determine the condition and trend of

the halibut fishery and to carry out the other provisions of this Convention;

(h) close to all taking of halibut such portion or portions of an area or areas as the International Pacific Halibut Commission finds to be populated by small, immature halibut and designates as nursery grounds.

Article IV

The Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and any regulation adopted thereunder, with appropriate penalties for violations thereof.

Article V

1. This Convention shall be ratified and the instruments of ratification exchanged at Washington as soon as possible.

2. This Convention shall enter into force on the date of exchange of ratifications and shall remain in force for a period of five years and thereafter until two years from the date on which either Contracting Party shall have given notice to the other of its desire to terminate it.

3. This Convention shall, from the date of the exchange of ratifications, replace and terminate the Convention for the preservation of the halibut fishery signed at Ottawa, January 29, 1937.

IN WITNESS WHEREOF the respective plenipotentiaries have signed and sealed this Convention.

DONE at Ottawa in duplicate, in the English language, this Second day of March 1953.

For the Government of the United States of America:

[SEAL]

DON C. BLISS

WILLIAM C HERRINGTON

For the Government of Canada:

[SEAL]

JAMES SINCLAIR

HUGUES LAPOINTE

WHEREAS the Senate of the United States of America by their resolution of July 27, 1953, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was ratified by the President of the United States of America on August 18, 1953, in pursuance of the aforesaid advice and consent of the Senate, and was duly ratified on the part of Canada;

WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Washington on October 28, 1953;

AND WHEREAS it is provided in paragraph 2 of Article V of the said convention that the convention shall enter into force on the date of exchange of ratifications;

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and each and every article and clause thereof may be observed and fulfilled with good faith on and after October 28, 1953 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this seventh day of January in the year of our Lord one thousand nine hundred fifty-four and
[SEAL] of the Independence of the United States of America the one hundred seventy-eighth.

DWIGHT D EISENHOWER

By the President :

JOHN FOSTER DULLES
Secretary of State

JANUARY 1965

INTERNATIONAL PACIFIC HALIBUT COMMISSION

Under four successive treaties between the United States and Canada, the first of which was signed in 1923, the halibut fishery in the eastern Pacific and Bering Sea has been subject to scientific management by the International Pacific Halibut Commission.

Under scientific management the size of the halibut population has more than trebled. The permitted annual catch, which had declined to 44,000,000 pounds by 1931, the year before regulation, attained an all-time record of 75,000,000 pounds in 1962 and was worth \$22,200,000 to the fishermen of the two countries. The stocks are now close to their optimum sizes and the permitted annual catches close to the sustainable maxima.

Under the first treaty which established a winter closed season the Commission's responsibilities were restricted to investigating the fishery for the purpose of recommending measures for its rehabilitation. It was demonstrated that over-fishing had occurred and that the winter closed season alone was not effective in halting the decline in halibut abundance.

The subsequent treaties of 1930, 1937 and the current one of 1953 provided broader regulatory authority. The coast was divided into areas and the fishing intensity was controlled by setting of annual catch limits or by limiting the length of the fishing season. Each method has been equally effective in raising the productivity of the stocks. Size limits and nursery grounds were also established and the use of destructive types of gear prohibited.

The larger volume of catch from the regulated fishing has been accompanied by concurrent gains to the fishery industries of the two countries. In 1962 alone the value of the extra catch above that taken in 1931 was worth about \$6,000,000 to the fleets. The accumulation of such gains during the past third of a century has been worth over \$100,000,000 to the fleets at the prevailing dockside prices each year. In addition to this there is a continuing return from the \$4,000,000 that the two governments combined have appropriated to the Commission during the past 35 years.

For the United States the fishery now provides a large and stable source of income for 350 United States vessels and their 1500 fishermen and for about the same number of vessels and men in Canada. The longer catches are taken with less fishing effort and lower unit cost, which keeps consumer prices reasonable.

The United States and Canadian halibut fishery is presently at a critical point in its 75-year history. For about 70 years of that period these two countries have had sole access to the fishery and to the grounds on which it is conducted. This no longer prevails. The

recent development of a large foreign trawl net fishery in Bering Sea and in the Gulf of Alaska on grounds frequented by halibut poses problems which seriously affect the destiny of the United States and Canadian halibut fishery.

In 1963, Japan participated in the eastern Bering Sea halibut fishery for the first time following action by the International North Pacific Fisheries Commission in 1962, which resulted in the removal of halibut of the eastern Bering Sea from abstention by Japan under the Annex of the International Convention for the High Seas Fisheries of the North Pacific Ocean.

Foreign otter trawling on the bottom in the eastern Bering Sea and the Gulf of Alaska causes some destruction of small halibut. The effect of such losses on the sustainable yield of marketable halibut has not yet been determined. The research program of the Commission must be extended to cover these and related problems if the United States and Canada are to maintain the gains achieved over the past three decades and are to ensure against the foreclosure of United States and Canada from the halibut fishery in the Gulf of Alaska and in the Bering Sea.

GREAT LAKES FISHERIES

Convention between the United States of America and Canada

Convention signed at Washington September 10, 1954;

*Ratification advised by the Senate of the United States of America
June 1, 1955;*

Ratified by the President of the United States of America June 6, 1955;

Ratified by Canada October 6, 1955;

Ratifications exchanged at Ottawa October 11, 1955;

*Proclaimed by the President of the United States of America October
20, 1955;*

Entered into force October 11, 1955.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention on Great Lakes fisheries between the United States of America and Canada was signed by their respective plenipotentiaries at Washington on September 10, 1954, the original of which convention is word for word as follows:

CONVENTION ON GREAT LAKES FISHERIES BETWEEN THE UNITED STATES OF AMERICA AND CANADA

The Government of the United States of America and the Government of Canada,

Taking note of the interrelation of fishery conservation problems and of the desirability of advancing fishery research in the Great Lakes,

Being aware of the decline of some of the Great Lakes fisheries,

Being concerned over the serious damage to some of these fisheries caused by the parasitic sea lamprey and the continuing threat which this lamprey constitutes for other fisheries,

Recognizing that joint and coordinated efforts by the United States of America and Canada are essential in order to determine the need for and the type of measures which will make possible the maximum sustained productivity in Great Lakes fisheries of common concern.

Have resolved to conclude a convention and have appointed as their respective Plenipotentiaries:

The Government of the United States of America:

Walter Bedell Smith, Acting Secretary of State of the
United States of America, and

William C. Herrington, Chairman of the Delegation of the United States of America to the Great Lakes Fisheries Conference; and

The Government of Canada:

Arnold Danford Patrick Heeney, Ambassador Extraordinary and Plenipotentiary of Canada to the United States of America, and

Stewart Bates, Chairman of the Delegation of Canada to the Great Lakes Fisheries Conference,

who, having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

ARTICLE I

This Convention shall apply to Lake Ontario (including the St. Lawrence River from Lake Ontario to the forty-fifth parallel of latitude), Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, Lake Superior and their connecting waters, hereinafter referred to as "the Convention Area". This Convention shall also apply to the tributaries of each of the above waters to the extent necessary to investigate any stock of fish of common concern, the taking or habitat of which is confined predominantly to the Convention Area, and to eradicate or minimize the populations of the sea lamprey (*Petromyzon marinus*) in the Convention Area.

ARTICLE II

1. The Contracting Parties agree to establish and maintain a joint commission, to be known as the Great Lakes Fishery Commission, hereinafter referred to as "the Commission", and to be composed of two national sections, a Canadian Section and a United States Section. Each Section shall be composed of not more than three members appointed by the respective Contracting Parties.

2. Each Section shall have one vote. A decision or recommendation of the Commission shall be made only with the approval of both Sections.

3. Each Contracting Party may establish for its Section an advisory committee for each of the Great Lakes. The members of each advisory committee so established shall have the right to attend all sessions of the Commission except those which the Commission decides to hold *in camera*.

ARTICLE III

1. At the first meeting of the Commission and at every second subsequent annual meeting thereafter the members shall select from among themselves a Chairman and a Vice-Chairman, each of whom shall hold office from the close of the annual meeting at which he has been selected until the close of the second annual meeting thereafter. The Chairman shall be selected from one Section and the Vice-Chairman from the other Section. The offices of Chairman and Vice-Chairman shall alternate biennially between the Sections.

2. The seat of the Commission shall be at such place in the Great Lakes area as the Commission may designate.

3. The Commission shall hold a regular annual meeting at such place as it may decide. It may hold such other meetings as may be agreed upon by the Chairman and Vice-Chairman and at such time and place as they may designate.

4. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its duties.

5. The Commission shall make such rules and by-laws for the conduct of its meetings and for the performance of its duties and such financial regulations as it deems necessary.

6. The Commission may appoint an Executive Secretary upon such terms as it may determine.

7. The staff of the Commission may be appointed by the Executive Secretary in the manner determined by the Commission or appointed by the Commission itself on terms to be determined by it.

8. The Executive Secretary shall, subject to such rules and procedures as may be determined by the Commission, have full power and authority over the staff and shall perform such functions as the Commission may prescribe. If the office of Executive Secretary is vacant, the Commission shall prescribe who shall exercise such power or authority.

ARTICLE IV

The Commission shall have the following duties:

(a) to formulate a research program or programs designed to determine the need for measures to make possible the maximum sustained productivity of any stock of fish in the Convention Area which, in the opinion of the Commission, is of common concern to the fisheries of the United States of America and Canada and to determine what measures are best adapted for such purpose;

(b) to coordinate research made pursuant to such programs and, if necessary, to undertake such research itself;

(c) to recommend appropriate measures to the Contracting Parties on the basis of the findings of such research programs;

(d) to formulate and implement a comprehensive program for the purpose of eradicating or minimizing the sea lamprey populations in the Convention Area; and

(e) to publish or authorize the publication of scientific and other information obtained by the Commission in the performance of its duties.

ARTICLE V

In order to carry out the duties set forth in Article IV, the Commission may:

(a) conduct investigations;

(b) take measures and install devices in the Convention Area and the tributaries thereof for lamprey control; and

(c) hold public hearings in the United States of America and Canada.

ARTICLE VI

1. In the performance of its duties, the Commission shall, in so far as feasible, make use of the official agencies of the Contracting Parties and of their Provinces or States and may make use of private or other public organizations, including international organizations, or of any person.

2. The Commission may seek to establish and maintain working arrangements with public or private organizations for the purpose of furthering the objectives of this Convention.

ARTICLE VII

Upon the request of the Commission a Contracting Party shall furnish such information pertinent to the Commission's duties as is practicable. A Contracting Party may establish conditions regarding the disclosure of such information by the Commission.

ARTICLE VIII

1. Each Contracting Party shall determine and pay the expenses of its Section. Joint expenses incurred by the Commission shall be paid by contributions made by the Contracting Parties. The form and proportion of the contributions shall be those approved by the Contracting Parties after the Commission has made a recommendation.

2. The Commission shall submit an annual budget of anticipated joint expenses to the Contracting Parties for approval.

ARTICLE IX

The Commission shall submit annually to the Contracting Parties a report on the discharge of its duties. It shall make recommendations to or advise the Contracting Parties whenever it deems necessary on any matter relating to the Convention.

ARTICLE X

Nothing in this Convention shall be construed as preventing any of the States of the United States of America bordering on the Great Lakes or, subject to their constitutional arrangements, Canada or the Province of Ontario from making or enforcing laws or regulations within their respective jurisdictions relative to the fisheries of the Great Lakes so far as such laws or regulations do not preclude the carrying out of the Commission's duties.

ARTICLE XI

The Contracting Parties agree to enact such legislation as may be necessary to give effect to the provisions of this Convention.

ARTICLE XII

The Contracting Parties shall jointly review in the eighth year of the operation of this Convention the activities of the Commission in relation to the objectives of the Convention in order to determine the desirability of continuing, modifying or terminating this Convention.

ARTICLE XIII

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Ottawa.

2. This Convention shall enter into force on the date of the exchange of the instruments of ratification. It shall remain in force for ten years and shall continue in force thereafter until terminated as provided herein.

3. Either Contracting Party may, by giving two years' written notice to the other Contracting Party, terminate this Convention at the end of the initial ten-year period or at any time thereafter.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention.

DONE at Washington, in duplicate, this tenth day of September, 1954.

For the Government of the United States of America:

WALTER BEDELL SMITH

WM C HERRINGTON.

For the Government of Canada:

A. D. P. HEENEY.

STEWART BATES.

WHEREAS the Senate of the United States of America by their Resolution of June 1, 1955, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was duly ratified by the President of the United States of America on June 6, 1955, in pursuance of the aforesaid advice and consent of the Senate, and has been duly ratified on the part of Canada;

WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Ottawa on October 11, 1955;

AND WHEREAS it is provided in Article XIII of the said convention that the convention shall enter into force on the date of the exchange of the instruments of ratification;

Now, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and each and every article and clause thereof may be observed and fulfilled with good faith, on and after October 11, 1955, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twentieth day of October in the year of our Lord one thousand nine hundred fifty-five
[SEAL] and of the Independence of the United States of America the one hundred eightieth.

DWIGHT D EISENHOWER

By the President:

JOHN FOSTER DULLES

Secretary of State

STATEMENT OF U.S. SENATE COMMITTEE ON COMMERCE STAFF

JANUARY 1965

GREAT LAKES FISHERY COMMISSION

The extreme urgency of the sea lamprey problem required the Commission in its earlier years to give its attention almost exclusively to the development and testing of methods for the control of that parasite. The discovery of selectively toxic chemicals and their application in lamprey-producing streams have brought about a sharp reduction, estimated at more than 80 percent, in the adult sea lamprey population in Lake Superior. Intensification of the program is expected to bring about a further reduction.

Chemical treatments have been extended to Lake Michigan where initial treatments should be completed by 1966. The control program in Lake Michigan is not far enough advanced, however, to have caused any detectable reduction in the sea lamprey population. Surveys to locate lamprey-producing streams have been completed in Lake Huron to facilitate further extension of the program.

A second major responsibility of the Commission is the development and coordination of fishery research in the Great Lakes. The principal accomplishment here has been the Commission-coordinated experiment in the rehabilitation of lake trout stocks in Lake Superior, carried out by state, provincial, and federal agencies. To assure maximum efficiency, these agencies are working through the Lake Trout Rehabilitation Committee, established by the Commission in 1958. The Committee has developed a restocking program involving annual plantings of 2 to 3 million year old lake trout and has coordinated investigations to assess changes in the lake trout stocks and to determine the success of hatchery plantings. Investigations in Lake Superior have shown that the lake trout stocks have responded sharply to the reduction in sea lamprey already accomplished. Over the past 3 years the size and abundance of lake trout have increased substantially and the introduction of hatchery-reared trout has offset the scarcity of native fish in many areas of the lake. Improved survival of the larger and older fish has led to increased spawning in many areas of the lake. Restoration of the lake trout stocks clearly is feasible.

The Commission has given counsel and advice for research in the Great Lakes, and in 1964 submitted to the Governments of the United States and Canada a report that contained concise information on the current problems confronting the fisheries and the investigations needed for their solution. The Commission plans to assist fishery agencies in the development of cooperative investigations.

Annual Reports covering meeting proceedings, summaries of sea lamprey control, lake trout rehabilitation, and general research in each lake have been published since 1956, as well as eight technical reports

covering various phases of the Commission's work. A bibliography of pertinent literature on the Great Lakes fisheries, classed by subject and cross indexed, has been prepared by the Commission. Copies of the bibliography cards have been deposited in the libraries of 23 government agencies and universities in the Great Lakes area.

MIGRATORY BIRDS

Convention between the United States and Great Britain [Pertaining to Canada]

CONVENTION FOR THE PROTECTION OF MIGRATORY BIRDS

Signed at Washington August 16, 1916; ratification advised by the Senate August 29, 1916; ratified by the President September 1, 1916; ratified by Great Britain October 20, 1916; ratifications exchanged at Washington December 7, 1916; proclaimed December 8, 1916.

ARTICLES

- | | |
|---|---|
| I. Migratory birds included in terms of convention. | VI. Shipment or export of migratory birds or their eggs. |
| II. Close seasons. | VII. Permits to kill migratory birds in particular communities. |
| III. Close season on specified migratory game birds for 10 years. | VIII. Measures for executing convention. |
| IV. Special protection for wood and eider ducks. | XI. Ratification; duration. |
| V. Taking of nests or eggs prohibited. | |

Whereas, Many species of birds in the course of their annual migrations traverse certain parts of the United States and the Dominion of Canada; and

Whereas, Many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops, in both the United States and Canada, but are nevertheless in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or are harmless, have resolved to adopt some uniform system of protection which shall effectively accomplish such objects and to the end of concluding a convention for this purpose have appointed as their respective Plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States; and

His Britannic Majesty, the Right Honorable Sir Cecil Arthur Spring Rice, G. C. V. O., K. C. M. G., etc., His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers which were found to be in due and proper form, have agreed to and adopted the following articles:

ARTICLE I.

The High Contracting Powers declare that the migratory birds included in the terms of this Convention shall be as follows:

1. Migratory Game Birds:

(a) Anatidae or waterfowl, including brant, wild ducks, geese, and swans.

(b) Gruidae or cranes, including little brown, sandhill, and whooping cranes.

(c) Rallidae or rails, including coots, gallinules and sora and other rails.

(d) Limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet woodcock and yellowlegs.

(e) Columbidae or pigeons including doves and wild pigeons.

2. Migratory Insectivorous Birds:

Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, night-hawks or bull bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, wax-wings, whippoorwills, woodpeckers and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other Migratory Nongame Birds:

Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

ARTICLE II.

The High Contracting Powers agree that, as an effective means of preserving migratory birds there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities.

1. The close season on migratory game birds shall be between March 10 and September 1, except that the close season on the Limicolae or shorebirds in the Maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months as the High Contracting Powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take

at any season auks, auklets, guillemots, murres and puffins, and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

ARTICLE III.

The High Contracting Powers agree that during the period of ten years next following the going into effect of this Convention, there shall be a continuous close season on the following migratory game birds, to wit:

Band-tailed pigeons, little brown, sandhill and whooping cranes, swans, curlew and all shorebirds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs); provided that during such ten years the close seasons in cranes, swans and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this Convention for the respective groups to which these birds belong.

ARTICLE IV.

The High Contracting Powers agree that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least five years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

ARTICLE V.

The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the High Contracting Powers may severally deem appropriate.

ARTICLE VI.

The High Contracting Powers agree that the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation from the United States into the Dominion of Canada or from the Dominion of Canada into the United States, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

ARTICLE VII.

Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the High Contracting Powers under suit-

able regulations prescribed therefor by them respectively, but such permits shall lapse, or may be cancelled, at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold or offered for sale.

ARTICLE VIII.

The High Contracting Powers agree themselves to take, or propose to their respecting appropriate law-making bodies, the necessary measures for insuring the execution of the present Convention.

ARTICLE IX.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the Convention shall take effect on the date of the exchange of the ratifications. It shall remain in force for fifteen years and in the event of neither of the High Contracting Powers having given notification, twelve months before the expiration of said period of fifteen years, of its intention of terminating its operation, the Convention shall continue to remain in force for one year and so on from year to year.

In faith whereof, the respective Plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their seals.

Done at Washington this sixteenth day of August, one thousand nine hundred and sixteen.

[SEAL.]
[SEAL.]

ROBERT LANSING.
CECIL SPRING RICE.

STATEMENT OF U.S. SENATE COMMITTEE ON COMMERCE STAFF

JANUARY 1965

CONVENTION FOR THE PROTECTION OF MIGRATORY
BIRDS

This convention between the United States and Great Britain (Canada) for the protection of migratory birds, December 8, 1916 adopted a uniform system of protection for certain species of birds which migrate between the United States and Canada in order to assure the preservation of those species either harmless or beneficial to man; sets certain dates for closed seasons on migratory game birds; prohibits hunting of insectivorous birds; allows killing of birds, under permit, when injurious to agriculture; and provides for enactment of laws to implement the treaty.

SHELLFISH—SANITARY CERTIFICATION OF SHIPPERS

Agreement Between the United States of America and Canada

*Effected by Exchange of Notes Signed at Washington March 4 and
April 30, 1948
Entered into Force April 30, 1948*

The Canadian Ambassador to the Secretary of State

No. 106

The Canadian Ambassador presents his compliments to the Secretary of State and, on the instructions of his Government, has the honour to inform him that in order to improve sanitary practices in the shellfish industries of Canada and the United States and to facilitate the exchange of information with reference to endorsement of shellfish certifications, the Canadian Department of National Health and Welfare and the United States Public Health Service have agreed on the desirability of an Agreement being concluded on the points and in the terms set forth in the annexed memorandum.

If such an agreement is acceptable to the United States Government, it is the proposal of the Canadian Government that this Note and its Annex together with a reply agreeing thereto, constitute an Agreement between the two Governments effective from the date of the reply from the United States authorities.

HW

CANADIAN EMBASSY,
Washington, D.C.
4th March 1948.

4TH MARCH 1948.

ANNEX

Memorandum of Agreement

In order to improve the sanitary practices prevailing in the shellfish industries of Canada and the United States, it is agreed as follows:

1. Whatever manual of recommended practice for sanitary control of the shellfish industry is approved by both the United States Public Health Service and the Canadian Department of National Health and Welfare, will be regarded as setting forth the sanitary principles that will govern the certification of shellfish shippers.

2. The degree of compliance with those principles obtained by the State authorities of the United States will be reported to the Canadian Department of National Health and Welfare by the United States Public Health Service, and the degree of compliance

263

TIAS 1747

obtained by the Provincial and other competent authorities in Canada will be reported by the Canadian Department of National Health and Welfare to the United States Public Health Service.

3. Whenever inspections of shellfish handling facilities or of shellfish growing areas are desired by either party to this Agreement, the other party will endeavour to facilitate such inspections.

4. This Agreement may be terminated by either party giving thirty days' notice.

The Secretary of State to the Canadian Ambassador

The Secretary of State presents his compliments to His Excellency the Ambassador of Canada and has the honor to refer to his note No. 106 of March 4, 1948 proposing that an agreement be entered into between the Governments of the United States of America and Canada in the following terms:

Memorandum of Agreement

In order to improve the sanitary practices prevailing in the shellfish industries of the United States and Canada, it is agreed as follows:

1. Whatever manual of recommended practice for sanitary control of the shellfish industry is approved by both the United States Public Health Service and the Canadian Department of National Health and Welfare will be regarded as setting forth the sanitary principles that will govern the certification of shellfish shippers.

2. The degree of compliance with those principles obtained by the State authorities of the United States will be reported to the Canadian Department of National Health and Welfare by the United States Public Health Service, and the degree of compliance obtained by the Provincial and other competent authorities in Canada will be reported by the Canadian Department of National Health and Welfare to the United States Public Health Service.

3. Whenever inspections of shellfish handling facilities or of shellfish growing areas are desired by either party to this Agreement, the other party will endeavor to facilitate such inspections.

4. This Agreement may be terminated by either party giving thirty days' notice.

The Memorandum of Agreement as set forth above is acceptable to the Government of the United States of America. As proposed in His Excellency's note, therefore, that note and the present reply are regarded as constituting an agreement between the two Governments, effective on the date of the present note.

DEPARTMENT OF STATE

Washington, April 30, 1948.

JANUARY 1965

UNITED STATES AND CANADA AGREEMENT FOR SANITARY CONTROL OF SHELLFISH INDUSTRY

The United States and Canada entered into a reciprocity agreement with regard to the inspection and certification of fresh and frozen oysters, clams and mussels on April 30, 1948. Under this agreement, each country may inspect the harvesting and processing of these shellfish products when they are destined for export to the other country. Few inspections are necessary since the shellfish certification and inspection procedures of each country are similar and considered to be adequate.

A possible problem developed in 1962 when Japan began negotiating with the United States to allow entry of frozen Japanese oysters. It was recognized by Canada that if this agreement was signed, the Japanese oysters could then enter Canada under the old United States-Canadian agreement. As a result, Canada entered into an agreement with Japan in 1962 which would permit Japanese oysters to enter Canada directly.



B. COSTA RICA

(See under Multilaterals)



C. CUBA

(a) Fisheries

- (1) Convention for the conservation of shrimp.
Signed at Habana August 15, 1958; entered into force September
4, 1959.
10 UST 1703; TIAS 4321; 358 UNTS 63.

CONSERVATION OF SHRIMP

Convention between the United States and Cuba*

Convention signed at Habana August 15, 1958;

Ratification advised by the Senate of the United States of America June 4, 1959;

Ratified by the President of the United States of America June 12, 1959;

Ratified by Cuba July 29, 1959;

Ratifications exchanged at Habana September 4, 1959;

Proclaimed by the President of the United States of America September 16, 1959;

Entered into force September 4, 1959.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention between the United States of America and Cuba for the conservation of shrimp was signed at Habana on August 15, 1958, the original of which convention, in the English and Spanish languages, is word for word as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND CUBA FOR THE CONSERVATION OF SHRIMP

The Government of the United States of America and the Government of Cuba, considering their common interest in maintaining the maximum sustainable productivity of stocks of shrimp of common concern in waters of the Gulf of Mexico off the coast of Cuba and the Florida coast of the United States, and in promoting the scientific studies necessary to ascertain the conservation measures required for this purpose, and desiring to establish procedures for coordinating such studies and for placing in effect such conservation measures as may be necessary, agree as follows:

ARTICLE I

The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be the waters of the Gulf of Mexico off the coast of Cuba and the Florida coast of the United States, in-

*Inoperative at the present time (January 1965).

cluding territorial waters, in which are found stocks of shrimp of common concern.

ARTICLE II

1. The Contracting Parties agree to establish and operate a commission, to be known as the Commission for the Conservation of Shrimp in the Eastern Gulf of Mexico, hereinafter referred to as "the Commission", which shall carry out the objectives of this Convention. The Commission shall be composed of two national sections, a United States section consisting of three members appointed by the Government of the United States, and a Cuban section consisting of three members appointed by the Government of Cuba.

2. Each national section shall have one vote. Decisions of the Commission shall be made only by approval of both sections.

3. The Commission may decide upon and amend, as occasion may require, rules for the conduct of its meetings and for the performance of its functions and duties.

4. The Commission shall meet at least once each year and at such other times as may be agreed by both national sections. The date and place of the first meeting shall be determined by agreement between the Governments.

5. The Commission shall decide on the most convenient place for the establishment of its headquarters.

6. At its first meeting the Commission shall select a chairman from the members of one national section and a vice chairman from the members of the other national section. The chairman and vice chairman shall hold office for a period of two years. In each succeeding term, the office of chairman and vice chairman shall alternate between the respective national sections.

7. Each section of the Commission may appoint its own advisers who shall be invited by the Commission to attend all nonexecutive sessions of the Commission.

8. Each section of the Commission may hold public hearings within the territory of its own country.

9. The official languages of the Commission shall be English and Spanish, and members of the Commission may use either language during meetings. The minutes, official documents and publications of the Commission shall be in both languages, but official correspondence of the Commission may be written in either language.

10. The expenses incurred by each national section shall be borne by its Government. The share of each country in the joint expenses incurred by the Commission shall be related to the proportion of the total catch from the shrimp stocks of common concern in the Convention area taken by vessels which belong to that country.

11. The budget of joint expenses and the share of each Government shall be determined by the Commission and submitted to the Governments for approval.

12. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ necessary personnel for the performance of its functions and duties.

13. The Commission shall designate a technically competent Director who shall serve at the pleasure of the Commission. Subject to such rules and procedures as may be determined by the Commission,

the Director shall have full power and authority over the staff of the Commission.

ARTICLE III

1. The Commission shall have responsibility for:

(a) Obtaining scientific information regarding the abundance, life history, and ecology of stocks of shrimp of common concern in the Convention area in order to determine the measures necessary for their conservation.

(b) Publishing or otherwise disseminating reports relative to the results of its findings and such other scientific reports and statistical data as fall within the scope of this Convention.

(c) Adopting, with respect to the Convention area, such regulations, based on scientific findings, as are necessary to achieve the objectives of this Convention.

2. Each of the regulations adopted pursuant to paragraph 1(c) above shall become effective with respect to the Contracting Parties sixty days following notification of the regulation by the Commission to each of the Contracting Parties, except that either of the Contracting Parties may prevent entry into force of a regulation by lodging objection thereto with the Commission before the expiration of such sixty day period.

3. The Commission shall notify the other Contracting Party immediately upon receipt of objection to a regulation.

4. In discharging its responsibilities the Commission may establish working relations with any international, public or private institution or organization or any individual.

5. The Commission shall submit annually to the respective Parties a report on its work, together with any recommendations, and shall also inform them, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

ARTICLE IV

The Contracting Parties agree to keep as far as practicable all records requested by the Commission and to furnish compilations of such records and other information upon request of the Commission. No Contracting Party shall be required hereunder to provide the records of individual operations.

ARTICLE V

The Contracting Parties agree to cooperate with each other in taking appropriate and effective action to enforce any regulations which enter into force pursuant to Article III of this Convention. Accordingly, the Contracting Parties agree as follows:

1. Any national or vessel of a Contracting Party which engages in operations on the high seas in violation of regulations which enter into force pursuant to Article III of this Convention may be seized by duly authorized officers of the other Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person or vessel belongs, at the nearest point to the place of seizure or elsewhere as may be agreed upon.

2. The authorities of the country to which such person or vessel belongs alone shall have jurisdiction to conduct prosecutions for violation of the regulations which enter into force pursuant to Article III of this Convention and to impose penalties for such violation, and the witnesses and proof necessary for such prosecutions, so far as any witnesses or proofs are under the control of the seizing Country, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

3. Each contracting party shall be responsible for the proper observance of this convention and of any regulations adopted under the provisions thereof in the portions of its waters covered thereby.

ARTICLE VI

The Contracting Parties agree to meet, during the sixth year of the operation of this Convention, to review the effectiveness of the provisions of this Convention and, if desirable, to consider means by which they may more effectively be carried out.

ARTICLE VII

Nothing in this Convention shall be construed as preventing either of the Contracting Parties or in the case of the United States, any of the States, from making or enforcing laws or regulations which in the absence of this Convention would be valid relative to any fisheries of the Convention area so far as such laws or regulations do not preclude the discharge of the Commission's responsibilities.

ARTICLE VIII

1. This Convention shall be ratified and the instruments of ratification exchanged at Habana as soon as practicable.

2. This Convention shall enter into force on the date of exchange of instruments of ratification and shall remain in force for a period of ten years and thereafter until one year from the date on which either Contracting Party shall have given written notice to the other of its desire to terminate the Convention.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention.

DONE in duplicate, in the English and Spanish languages, each of which shall be of equal authenticity, at Habana this 15th day of August, 1958.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA :

EARL E. T. SMITH

FOR THE GOVERNMENT OF THE REPUBLIC OF CUBA :

G GUELL

WHEREAS the Senate of the United States of America by their resolution of June 4, 1959, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was ratified by the President of the United States of America on June 12, 1959, in pursuance of the aforesaid advice and consent of the Senate, and has been duly ratified on the part of the Government of Cuba;

WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Habana on September 4, 1959;

AND WHEREAS it is provided in Article VIII of the said convention that the convention shall enter into force on the date of exchange of instruments of ratification;

Now, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and every article and clause thereof may be observed and fulfilled in good faith on and after September 4, 1959 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this sixteenth day of September in the year of our Lord one thousand nine hundred fifty-
[SEAL] nine and of the Independence of the United States of America the one hundred eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER
Secretary of State

D. JAPAN

(See also Multilaterals)

(a) Shellfish

- (1) Agreement providing for cooperative efforts to be directed toward sanitary control of the shellfish industry.
Exchange of notes at Washington October 24, 1962; entered into force October 24, 1962.
13 UST 2452; TIAS 5207.
- (2) King crab. Agreement effected by Exchange of Notes; Signed at Washington November 25, 1964; entered into force November 25, 1964.

TIAS 5688.

SHELLFISH—JAPAN

Agreement between the United States and Japan Shellfish: Sanitary Practices in Processing for Shipment

*Agreement effected by exchange of notes
Signed at Washington October 24, 1962;
Entered into force October 24, 1962.
With exchange of letters.*

The Japanese Ambassador to the Secretary of State

WASHINGTON, D.C., October 24, 1962

EXCELLENCY:

I have the honor to refer to recent discussions between representatives of our two governments directed toward improving and standardizing shellfish sanitation practices and exchanging information on sanitary controls applied to the production and handling of fresh or frozen oysters, clams and mussels intended for shipment between Japan and the United States.

As a result of these discussions the following understandings were reached:

1. Uniform sanitation principles will be applied to the production and handling of all fresh or frozen oysters, clams and mussels intended for shipment between the two countries.

2. The principles in the Manual of Recommended Practice for Sanitary Control of the Shellfish Industry adopted by the United States Public Health Service, as amended from time to time, will be embodied in the relevant sanitary regulations in Japan.

3. The Ministry of Health and Welfare of Japan and the United States Public Health Service will exchange information on the state of compliance with these principles by the competent authorities in their respective countries and will maintain close contacts on matters concerning sanitary conditions of such shellfish.

4. Whenever sanitary observations of shellfish production areas or handling facilities are desired by either government, the other government will facilitate such observations.

5. Detailed arrangements for the implementation of this Agreement may be entered into from time to time by the United States Public Health Service and the Japanese Ministry of Health and Welfare.

6. This Agreement may be terminated by either Government giving thirty days written notice except that frozen oysters, clams and mussels packaged in accordance with the uniform sanitation principles

under this Agreement will be accepted for a period of six months following the termination of the Agreement unless there are cogent public health reasons for prohibiting the importation of such products.

I have the honor to propose that if these understandings meet with the approval of the Government of the United States the present note and your Excellency's note in reply concurring therein shall constitute an agreement between our two governments, which Agreement shall enter into force on the date of your Excellency's reply.

Accept, Excellency, the renewed assurances of my highest consideration.

KOICHIRO ASAKAI
Ambassador of Japan

The Honorable
DEAN RUSK,
*Secretary of State,
Washington, D.C.*

The Secretary of State to the Japanese Ambassador

DEPARTMENT OF STATE
WASHINGTON
October 24, 1962

EXCELLENCY:

I have the honor to refer to your note of October 24, 1962, in which you set forth certain understandings reached as a result of discussions between representatives of our two governments directed toward improving and standardizing shellfish sanitation practices and exchanging information on sanitary controls applied to the production and handling of fresh or frozen oysters, clams and mussels intended for shipment between Japan and the United States.

I have the honor to inform you that the Government of the United States confirms the understandings set forth in your note and agrees that your note and this reply shall constitute an agreement between our two governments which shall enter into force on the date of this note.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:
W. AVERELL HARRIMAN

His Excellency
KOICHIRO ASAKAI,
Ambassador of Japan.

The Japanese Ambassador to the Assistant Secretary of State for Far Eastern Affairs

WASHINGTON, D.C., October 24, 1962

MY DEAR MR. SECRETARY:

I wish to refer to the notes exchanged today regarding shellfish sanitation, and to inform you that the Government of Japan will bear, subject to the availability of annual budgetary appropriations, the cost

of observations by an expert or experts of the United States Government provided for in paragraph 4 of my note.

Yours sincerely,

KOICHIRO ASAKAI
Ambassador of Japan

The Honorable
W. AVERELL HARRIMAN,
*Assistant Secretary,
Far Eastern Affairs,
Department of State,
Washington, D.C.*

*The Assistant Secretary of State for Far Eastern Affairs to the
Japanese Ambassador*

ASSISTANT SECRETARY OF STATE
WASHINGTON
October 24, 1962

MY DEAR MR. AMBASSADOR:

I wish to acknowledge the receipt of your letter of October 24, 1962 relating to shellfish sanitation. The Government of the United States notes that the Government of Japan will bear, subject to the availability of annual budgetary appropriations, the cost of observations by an expert or experts of the United States Government provided for in Paragraph 4 of your note of today.

W. AVERELL HARRIMAN
W. Averell Harriman

His Excellency
KOICHIRO ASAKAI,
Ambassador of Japan.

STATEMENT OF U.S. SENATE COMMITTEE ON COMMERCE STAFF

JANUARY 1965

**SHELLFISH SANITATION AGREEMENT BETWEEN
UNITED STATES AND JAPAN**

The United States and Japan signed an agreement in 1962 under which fresh and frozen oysters, clams and mussels may be transported between the two countries. The agreement specifies that individual companies in each country will be inspected and licensed to ship shellfish. To date this agreement has involved only one company, the Nichiro Fisheries Company, Limited in Hiroshima, Japan. No products have been shipped from the United States to Japan under the agreement.

Each year since the agreement was signed, the U.S. Public Health Service has sent an inspector from the Branch of Shellfish Sanitation to Hiroshima for a six-week period during February and March to inspect the production of the Nichiro plant. The costs of inspection are borne by Japan.

This agreement has worked extremely well and no problems have been encountered. The Nichiro plant is very modern and the waters from which the oysters are harvested are clean and wholesome.

The Public Health Service has received inquiries from private companies in France, Korea, Iceland, Mexico, and Australia about how to arrange for similar agreements. These inquiries have been answered with a description of the requirements incorporated into the existing agreement and with a discussion of the diplomatic procedures that must be followed. No other country has yet followed through with a formal request.

279

- (2) King crab; agreement effected by exchange of notes signed at Washington November 25, 1964; entered into force November 25, 1964.
TIAS 5688.

FISHERIES—KING CRAB

Agreement Between the United States of America and Japan

Agreement effected by exchange of notes; Signed at Washington November 25, 1964; Entered into force November 25, 1964.

The Japanese Ambassador to the Secretary of State

EMBASSY OF JAPAN

WASHINGTON

November 25, 1964

EXCELLENCY:

I have the honor to refer to the consultation between the representatives of the Government of Japan and the Government of the United States of America in regard to the king crab fishery in the eastern Bering Sea, held in Washington from October 15 to November 14, 1964, and to confirm, on behalf of the Government of Japan, the following understandings reached as the result of this consultation:

1. The Government of Japan holds the view that king crabs are a high seas fishery resource, and that nationals and vessels of Japan are entitled to continue fishing for the king crabs in the eastern Bering Sea.

2. The Government of the United States of America is of the view that the king crab is a natural resource of the continental shelf over which the coastal state (in this case the United States of America) has exclusive jurisdiction, control and rights of exploitation.

3. However, the two Governments, having regard to the historical fact that nationals and vessels of Japan have over a long period of years exploited the king crab resource in the eastern Bering Sea, have agreed, without prejudice to their respective positions as described above, as follows:

1) The king crab fishery by nationals and vessels of Japan in the eastern Bering Sea will continue in and near the waters which have been fished historically by Japan; that is, those waters in which migrate the king crab stocks exploited historically by Japan; provided that, in order to avoid possible overfishing of the king crab resource in the eastern Bering Sea, the Government of Japan ensures that the annual commercial catch of king crabs by nationals and vessels of Japan for the years 1965 and 1966 shall be equivalent to 185,000 cases respectively (one case being equivalent to 48 half-pound cans).

2) The two Governments shall apply such interim measures as described in the Appendix to this note to their respective nationals and vessels fishing for king crabs in the eastern Bering Sea.

3) The International Commission under the North Pacific Fishery Convention [¹] will be asked by the two Governments to continue and intensify the study of the king crab resource in the eastern Bering Sea and to transmit to the two Governments annually by November 30 the findings of such study, including also, to the extent possible, an estimate of the maximum sustainable yield of the resource.

4) For the purpose of carrying out faithfully measures under the provisions of the proviso of sub-paragraph (1) and the provisions of sub-paragraph (2) of this paragraph, the two Governments shall take appropriate and effective measures respectively, and either Government shall, if requested by the other Government, provide opportunity for observation of the conduct of enforcement.

5) The two Governments shall meet before December 31, 1966 to review the operation of these arrangements and the conditions of the king crab fishery of the eastern Bering Sea, and decide on future arrangements in the light of paragraphs 1 and 2, and the introductory part of this paragraph, and the United States President's assurance of May 20, 1964 that full consideration would be given to Japan's long established fishery.

I have further the honor to propose that this note and your Excellency's reply confirming the above understandings on behalf of your Government shall be regarded as constituting an agreement between the two Governments.

I avail myself of this opportunity to renew to your Excellency the assurances of my highest consideration.

RYUJI TAKEUCHI
Ambassador of Japan

His Excellency
DEAN RUSK
*Secretary of State
of the United States of America*

APPENDIX

a) Female king crabs, small king crabs less than 14.5 cms. in maximum carapace width and soft-shelled king crabs shall not be retained and used. Any such crabs taken incidentally shall be returned immediately to the sea with a minimum of injury.

b) King crabs shall not be taken by means of fishing gear other than pot and tangle net. The stretched diagonal measure of tangle net mesh shall be no less than 50 cms.

c) Unless otherwise agreed by the two Governments, only pots may be used to capture king crabs for commercial purposes in that area lying seaward of the United States territorial sea and within the following described boundaries: a line running due west through Sea Lion Rock light and along 55°28' N. latitude to 165°34' W. longitude,

¹ TIAS 2786; 4 UST 380.

thence southwesterly to an intersection of a line passing between Cape Navarin and Cape Sarichef at 55°16' N. latitude and 166°10' W. longitude, thence southeasterly along the Cape Navarin-Sarichef line to Cape Sarichef.

The Secretary of State to the Japanese Ambassador

DEPARTMENT OF STATE

WASHINGTON

Nov 25 1964

EXCELLENCY:

I have the honor to refer to Your Excellency's note of November 25, 1964, which reads with Appendix as follows:

"I have the honor to refer to the consultation between the representatives of the Government of Japan and the Government of the United States of America in regard to the king crab fishery in the eastern Bering Sea, held in Washington from October 15 to November 14, 1964, and to confirm, on behalf of the Government of Japan, the following understandings reached as the result of this consultation:

"1. The Government of Japan holds the view that king crabs are a high seas fishery resource, and that nationals and vessels of Japan are entitled to continue fishing for king crabs in the eastern Bering Sea.

"2. The Government of the United States of America is of the view that the king crab is a natural resource of the continental shelf over which the coastal state (in this case the United States of America) has exclusive jurisdiction, control and rights of exploitation.

"3. However, the two Governments, having regard to the historical fact that nationals and vessels of Japan have over a long period of years exploited the king crab resource in the eastern Bering Sea, have agreed, without prejudice to their respective positions as described above, as follows:

1) The king crab fishery by nationals and vessels of Japan in the eastern Bering Sea will continue in and near the waters which have been fished historically by Japan; that is, those waters in which migrate the king crab stocks exploited historically by Japan; provided that, in order to avoid possible overfishing of the king crab resource in the eastern Bering Sea, the Government of Japan ensures that the annual commercial catch of king crabs by nationals and vessels of Japan for the years 1965 and 1966 shall be equivalent to 185,000 cases respectively (one case being equivalent to 48 half-pound cans).

2) The two Governments shall apply such interim measures as described in the Appendix to this note to their respective nationals and vessels fishing for king crabs in the eastern Bering Sea.

3) The International Commission under the North Pacific Fishery Convention will be asked by the two Governments to continue and intensify the study of the king crab resource in the eastern Bering Sea and to transmit to the two Gov-

ernments annually by November 30 the findings of such study, including also, to the extent possible, an estimate of the maximum sustainable yield of the resource.

4) For the purpose of carrying out faithfully measures under the provisions of the proviso of sub-paragraph (1) and the provisions of sub-paragraph (2) of this paragraph, the two Governments shall take appropriate and effective measures respectively, and either Government shall, if requested by the other Government, provide opportunity for observation of the conduct of enforcement.

5) The two Governments shall meet before December 31, 1966 to review the operation of these arrangements and the conditions of the king crab fishery of the eastern Bering Sea, and decide on future arrangements in the light of paragraphs 1 and 2, and the introductory part of this paragraph, and the United States President's assurance of May 20, 1964 that full consideration would be given to Japan's long established fishery.

"I have further the honor to propose that this note and your Excellency's reply confirming the above understandings on behalf of your Government shall be regarded as constituting an agreement between the two Governments."

"APPENDIX

"a) Female king crabs, small king crabs less than 14.5 cms. in maximum carapace width and soft-shelled king crabs shall not be retained and used. Any such crabs taken incidentally shall be returned immediately to the sea with a minimum of injury.

"b) King crabs shall not be taken by means of fishing gear other than pot and tangle net. The stretched diagonal measure of tangle net mesh shall be not less than 50 cms.

"c) Unless otherwise agreed by the two Governments, only pots may be used to capture king crabs for commercial purposes in that area lying seaward of the United States territorial sea and within the following described boundaries: a line running due west through Sea Lion Rock light and along 55°28' N. latitude to 165°34' W. longitude, thence southwesterly to an intersection of a line passing between Cape Navarin and Cape Sarichef at 55°16' N. latitude and 166°10' W. longitude, thence southeasterly along the Cape Navarin-Sarichef line to Cape Sarichef."

I have the honor to inform Your Excellency that the above understandings reached by representatives of our two Governments are acceptable to the Government of the United States of America and that Your Excellency's note and this reply are considered as an agreement between our two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

DEAN RUSK

His Excellency

RYUJI TAKEUCHI,

Ambassador of Japan.

TIAS 5688

E. MEXICO

(a) Fisheries

- (1) Convention for the establishment of an international commission for the scientific investigation of tuna.¹
Signed at Mexico January 25, 1949; entered into force July 11, 1950.
Exchange of notes signed January 26 and 31, 1949.
1 UST 513; TIAS 2094; 99 UNTS 3.

(b) Migratory Birds and Game Mammals

- (1) Convention for the protection of migratory birds and game mammals.
Signed at Mexico February 7, 1936; entered into force March 15, 1937.
50 Stat. 1311; TS 912; IV Trenwith 4498; 178 LNTS 309.

¹ Never implemented, this Convention will terminate February 5, 1965, by agreement between the U.S. and Mexico. Mexico became party to the Inter-American Tropical Tuna Convention effective February 29, 1964.

(a) FISHERIES—ESTABLISHMENT OF AN INTERNATIONAL COMMISSION FOR THE SCIENTIFIC INVESTIGATION OF TUNA

Convention between the United States of America and Mexico

Signed at México January 25, 1949;

Ratification advised by the Senate of the United States of America August 17, 1949;

Ratified by the President of the United States of America August 30, 1949;

Ratified by Mexico February 22, 1950;

Ratifications exchanged at Washington July 11, 1950;

Proclaimed by the President of the United States of America July 18, 1950;

Entered into force July 11, 1950;

and

Exchange of notes Signed at México January 26 and 31, 1949.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention between the United States of America and the United Mexican States for the establishment of an international commission for the scientific investigation of tuna was signed by the duly authorized plenipotentiaries of the two countries at Mexico City on January 25, 1949, the original of which convention, in the English and Spanish languages, is word for word as follows:

CONVENTION FOR THE ESTABLISHMENT OF AN INTERNATIONAL COMMISSION FOR THE SCIENTIFIC INVESTIGATION OF TUNA

PREAMBLE

The United States of America and the United Mexican States considering their respective interests in maintaining the populations of certain tuna and tuna-like fishes in the waters of the Pacific Ocean off the coasts of both countries, and desiring to cooperate in scientific investigation, and in the gathering and interpretation of factual information to facilitate maintaining the populations of these fishes at a level which will permit the maximum reasonable utilization without depletion year after year, have agreed to conclude a Convention for

these purposes and to that end have named as their Plenipotentiaries:

The President of the United States of America:

Walter Thurston, Ambassador Extraordinary and Plenipotentiary of the United States of America in Mexico;

The President of the United Mexican States:

Manuel Tello, acting Secretary of Foreign Relations; who having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I

1. The High Contracting Parties agree to establish and operate a joint commission, to be known as the International Commission for the Scientific Investigation of Tuna, hereinafter referred to as the Commission, which shall carry out the objectives of this Convention. The Commission shall be composed of two national sections, a United States section, consisting of four members, appointed by the Government of the United States of America, and a Mexican section consisting of four members, appointed by the Government of the United Mexican States.

2. The Commission shall submit annually to the respective Governments a report on its findings, with appropriate recommendations, and shall also inform them, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

3. The expenses incurred by each national section for its own personnel, offices and operation, including emoluments, transportation and subsistence, shall be borne by its government. Joint expenses incurred by the Commission shall be paid by the High Contracting Parties in the form and proportion recommended by the Commission and approved by the High Contracting Parties.

4. Both the general annual program of activities and the budget of joint expenses shall be recommended by the Commission and submitted for approval to the High Contracting Parties.

5. The High Contracting Parties shall decide on the most convenient place for the establishment of the Commission's headquarters.

6. The Commission shall meet at least twice each year and at such other times as may be requested by either national section. The date and place of the first meeting shall be determined by agreement between the High Contracting Parties.

7. At its first meeting the Commission shall select a chairman from the members of one national section and a secretary from the members of the other national section. The chairman and secretary shall hold office for a period of one year. During succeeding years, selection of the chairman and secretary shall alternate between the respective national sections.

8. Each national section shall have one vote. Decisions, resolutions, and recommendations of the Commission shall be made only by approval of both sections.

9. The Commission shall be entitled to adopt and to amend subsequently, as occasion may require, by-laws or rules for the conduct of its meetings and for the performance of its functions and duties. Such by-laws, rules or amendments shall be referred by the Commission to the Governments and shall become effective thirty days from the date

of receipt of notification unless disapproved by either of the two Governments within that period.

10. The Commission shall be entitled to employ necessary personnel for the performance of its functions and duties. The appointments shall be distributed equitably between nationals of the United States and Mexico except in special instances in which the appointment of persons of other nationalities is desirable.

11. Each section of the Commission may appoint its own advisors who may attend sessions of the Commission in their advisory capacity when the Commission so determines. Each section may meet separately with advisors from its own country when it deems such meetings desirable.

12. Each section of the Commission may hold public hearings within the territory of its own country.

13. The Commission shall designate simultaneously a Director and an Assistant Director of Investigations, who shall be technically competent and shall be responsible to the Commission. One of these functionaries shall be a national of the United States and the other a national of Mexico. Subject to the instruction of the Commission and with its approval, the Director shall have charge of:

a) the drafting of programs of investigation, and the preparation of budget estimates for the Commission;

b) authorizing the disbursement of the funds for the joint expenses of the Commission;

c) the accounting of the funds for the joint expenses of the Commission;

d) the appointment and immediate direction of technical and any other personnel required for the scientific functions of the Commission;

e) arrangements for the cooperation with other organizations or individuals in accordance with paragraph 18 of this Article;

f) the coordination of the work of the Commission with that of organizations and individuals whose cooperation has been arranged for;

g) the drafting of administrative, scientific and other reports for the Commission;

h) the performance of such other duties as the Commission may require.

14. The Assistant Director shall assist the Director of Investigations in all his functions, and shall substitute for him during his temporary absences. Both the Director and the Assistant Director of Investigations may be freely removed by the Commission.

15. The official languages of the Commission shall be English and Spanish, and members of the Commission may use either language during meetings. When necessary, translation shall be made to the other language. The minutes, official documents and publications of the Commission shall be in both languages, but official correspondence of the Commission may be written at the discretion of the secretary in either language.

16. Representatives of both national sections shall be entitled to participate in all work carried out by the Commission or under its auspices.

17. Each national section shall be entitled to obtain certified copies of any documents pertaining to the Commission except that the Commission will adopt and may amend subsequently rules to insure the confidential character of records of statistics of individual catches and individual company operations. These rules and amendments shall be referred to the Governments in accordance with the procedures of paragraph 9 of this Article.

18. In the performance of its duties and functions the Commission may request the technical and scientific services of and information from official agencies of the High Contracting Parties and any international, public, or private institution, or organization or any private individual.

ARTICLE II

The Commission shall perform the following functions and duties:

1. Make investigations: (a) concerning the abundance, biology, biometry, and ecology of the yellowfin, bluefin, and albacore tunas, bonitos, yellowtails, and skipjacks (hereinafter referred to as tuna and tuna-like fishes) in the waters of the Pacific Ocean off the coasts of both countries and elsewhere as may be required, and of the kinds of fishes commonly used as bait in tuna fishing; and (b) concerning the effects of natural factors and human activities on the abundance of the populations of fishes to which this Convention refers.

2. Collect and analyze information relating to the current and past conditions and trends of the populations of the tuna and tuna-like fishes and tuna-bait fishes of the waters of the Pacific Ocean off the coasts of both countries and elsewhere as may be required.

3. Study and appraise information concerning methods and procedures for maintaining and increasing the populations of tuna and tuna-like fishes and tuna bait fishes in the waters of the Pacific Ocean off the coasts of both countries and elsewhere as may be required.

4. Conduct such fishing and other activities, on the high seas and in the waters which are under the jurisdiction of either High Contracting Party, as may be necessary to attain the ends referred to in sub-paragraphs 1, 2 and 3 of this Article.

5. Obtain statistics and all kinds of reports concerning catches, operations of fishing boats and other information concerning the fishing for tuna and tuna-like fishes and the tuna-bait fishes. The High Contracting parties shall, if necessary, enact legislation in order to make it obligatory for the boat captains or other persons who participate in these fishing activities to keep records of operations, including the volume of the catch by species and the area in which caught, all of these in the form and with such frequency as the Commission deems necessary.

6. Publish or otherwise disseminate reports relative to the results of its findings and such other reports as fall within the scope of this Convention, as well as scientific, statistical, and other data relating to the fisheries for tuna and tuna-like fishes and tuna-bait fishes in the waters of the Pacific Ocean off the coasts of both countries and elsewhere as may be required.

ARTICLE III

1. The present Convention shall be ratified in accordance with the constitutional procedures of each country and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. The present Convention shall enter into force on the date of exchange of ratifications. It shall remain in force for a period of four years and thereafter until one year from the day on which either of the High Contracting Parties shall give notice to the other High Contracting Party of its intention of terminating the Convention.

3. In the event of termination of the Convention, property supplied to the Commission by the High Contracting Parties shall be returned to that High Contracting Party which originally provided it. Property otherwise acquired by the Commission, with the exception of the archives, shall be returned to the High Contracting Parties taking into account the proportion in which they shall have contributed to the expenses of the Commission.

4. At the termination of this Convention the High Contracting Parties shall divide the archives of the Commission as follows: The United States of America shall receive the part in English and the United Mexican States, the part in Spanish. Either of the two countries shall be able to obtain certified copies of any document from the archives of the Commission which is in the possession of the other. These archives may be consulted at any time for this purpose by authorized representatives of the government not having in its possession the archives which it wishes to consult. This paragraph shall be subject to the provisions of Paragraph 17 of Article I of this Convention.

In witness whereof the respective Plenipotentiaries have signed the present Convention and have affixed their seals.

Done in duplicate, in the English and Spanish languages, at Mexico City this twenty-fifth day of January, one thousand nine hundred and forty-nine.

[SEAL]
[SEAL]

WALTER THURSTON
MANUEL TELLO

WHEREAS the Senate of the United States of America by their Resolution of August 17, 1949, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was duly ratified by the President of the United States of America on August 30, 1949, in pursuance of the aforesaid advice and consent of the Senate, and was duly ratified on the part of the United Mexican States;

WHEREAS the respective instruments of ratification of the said convention were duly exchanged at Washington on July 11, 1950;

AND WHEREAS it is provided in Article III of the said convention that the convention shall enter into force on the date of exchange of ratifications;

NOW, THEREFORE, be it known that I, Harry S Truman, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and each and every article and clauses thereof may be observed and fulfilled with good faith, on

and after July 11, 1950, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eighteenth day of July in the year of our Lord one thousand nine hundred fifty and of [SEAL] the Independence of the United States of America the one hundred seventy-fifth.

HARRY S TRUMAN

By the President :

DEAN ACHESON
Secretary of State

The American Ambassador to the Mexican Acting Minister for Foreign Relations

EMBASSY OF THE
UNITED STATES OF AMERICA
Mexico, D. F., January 26, 1949.

No. 2835

EXCELLENCY :

I have the honor to refer to the recent negotiations which have culminated in the signing, on Tuesday, January 25, 1949, of the Convention for the Establishment of an International Commission for the Scientific Investigation of Tuna.

During the course of the negotiations which now have successfully been concluded, two understandings were reached with regard to the proper interpretation of Paragraphs 7 and 9 of Article I of the Convention. It was agreed that these understandings should be made of record through an exchange of notes.

With regard to Paragraph 7 of Article I, it is the understanding of my Government that the Commission shall be instructed to arrange for the selection of the Chairman in such a manner as to insure that the Director of Investigation will be of the other nationality during the first year.

Concerning Paragraph 9 of Article I it is the understanding of my Government that, with regard to the receipt of notifications from the Commission by the two governments, and in the event such notifications are received on different dates, the thirty day time limit shall count from the later date, thereby avoiding any confusion which might arise as to which date would be applicable.

Your Excellency's affirmative answer to this present note would constitute the desired exchange.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

WALTER THURSTON

His Excellency

Señor MANUEL TELLO,

*Acting Minister for Foreign Relations,
México, D. F.*

Translation

MINISTRY OF FOREIGN RELATIONS
UNITED MEXICAN STATES
MEXICO

51620

MEXICO, D.F., *January 31, 1949.*

MR. AMBASSADOR:

I have the honor to acknowledge receipt of Your Excellency's note No. 2835 which you addressed to me on the 26th instant. In the aforementioned note Your Excellency referred to the negotiations which led to the Convention for the establishment of an International Commission for Scientific Research on Tuna, which was signed on January 25, 1948.

Two points regarding this Convention were left pending, to be settled by an exchange of notes between both Governments, for the purpose of defining the exact sense of sub-paragraphs 7 and 9 of article I.

With regard to the first of the aforementioned sub-paragraphs, I am pleased to inform Your Excellency that, in accordance with what was agreed, the Mexican Commissioners shall be instructed in due time so that in the first year the designation of Chairman of the Commission and of Director of Research will be effected simultaneously and in such a manner that the appointments will be given to persons of different nationality.

I am also pleased to inform Your Excellency, with regard to sub-paragraph 9 of the above-mentioned article I of the Convention, that my Government is in complete agreement with the interpretation of Your Excellency's Government, regarding the period for expressing disagreement, if any, with respect to the Statutes, Regulations and amendments thereto, which the Commission, under sub-paragraph 9, may submit to the Governments. The Mexican Government, like Your Excellency's, understands that in case such notifications are received by the Governments on different dates, the period of thirty days indicated in the aforementioned sub-paragraph will be computed beginning with the later of the above-mentioned dates, in order to avoid any confusion which might arise as to which would be the applicable date.

I assure Your Excellency of my highest and most distinguished consideration.

MANUEL TELLO.

His Excellency

WALTER THURSTON,

*Ambassador Extraordinary and Plenipotentiary,
Embassy of the United States of America,
City.*

PROTECTION OF MIGRATORY BIRDS AND GAME MAMMALS

1936 Convention Between the United States of America and Mexico

Signed at Mexico City, February 7, 1936.

*Ratification advised by the Senate of the United States, April 30, 1936
(legislative day of April 24, 1936).*

Ratified by the President of the United States, October 8, 1936.

Ratified by Mexico, February 12, 1937.

Ratifications exchanged at Washington, March 15, 1937.

Proclaimed by the President of the United States, March 15, 1937.

CONVENTION PROVIDING FOR THE PROTECTION OF MIGRATORY BIRDS AND GAME MAMMALS

(Treaty Series, No. 912; 50 Statutes at Large, 1311)

Whereas, some of the birds denominated migratory, in their movements cross the United States of America and the United Mexican States, in which countries they live temporarily;

Whereas it is right and proper to protect the said migratory birds, whatever may be their origin, in the United States of America and the United Mexican States, in order that the species may not be exterminated;

Whereas, for this purpose it is necessary to employ adequate measures which will permit a rational utilization of migratory birds for the purpose of sport as well as for food, commerce and industry;

The Governments of the two countries have agreed to conclude a Convention which will satisfy the above mentioned need and to that end have appointed as their respective plenipotentiaries: The Honorable Josephus Daniels representing the President of the United States of America, Franklin D. Roosevelt and the Honorable Eduardo Hay, representing the President of the United Mexican States, General Lázaro Cárdenas, who, having exhibited to each other and found satisfactory their respective full powers, conclude the following Convention:

ARTICLE I. In order that the species may not be exterminated, the high contracting parties declare that it is right and proper to protect birds denominated as migratory, whatever may be their origin, which in their movements live temporarily in the United States of America and the United Mexican States, by means of adequate methods which will permit, in so far as the respective high contracting parties may see fit, the utilization of said birds rationally for purposes of sport, food, commerce and industry.

ARTICLE II. The high contracting parties agree to establish laws, regulations and provisions to satisfy the need set forth in the preceding Article, including:

A) The establishment of close seasons, which will prohibit in certain periods of the year the taking of migratory birds, their nests or eggs, as well as their transportation or sale, alive or dead, their products or parts, except when proceeding, with appropriate authorization, from private game farms or when used for scientific purposes, for propagation or for museums.

B) The establishment of refuge zones in which the taking of such birds will be prohibited.

C) The limitation of their hunting to four months in each year, as a maximum, under permits issued by the respective authorities in each case.

D) The establishment of a close season for wild ducks from the tenth of March to the first of September.

E) The prohibition of the killing of migratory insectivorous birds, except when they become injurious to agriculture and constitute plagues, as well as when they come from reserves or game farms: provided however that such birds may be captured alive and used in conformity with the laws of each contracting country.

F) The prohibition of hunting from aircraft.

ARTICLE III. The high contracting parties respectively agree, in addition, not to permit the transportation over the American-Mexican border of migratory birds, dead or alive, their parts or products, without a permit of authorization provided for that purpose by the government of each country, with the understanding that in the case that the said birds, their parts or products are transported from one country to the other without the stipulated authorization, they will be considered as contraband and treated accordingly.

ARTICLE IV. The high contracting parties declare that for the purposes of the present Convention the following birds shall be considered migratory:

Migratory game birds.—Familia Anatidae, Familia Gruidae, Familia Rallidae, Familia Charadriidae, Familia Scolopacidae, Familia Recurvirostridae, Familia Phalaropodidae, Familia Columbidae.

Migratory non-game birds.—Familia Cuculidae, Familia Caprimulgidae, Familia Micropodidae, Familia Trochilidae, Familia Piciidae, Familia Tyrannidae, Familia Alaudidae, Familia Hirundinidae, Familia Paridae, Familia Certhiidae, Familia Troglodytidae, Familia Turdidae, Familia Mimidae, Familia Sylviidae, Familia Motacillidae, Familia Bombycillidae, Familia Ptilogonatidae, Familia Laniidae, Familia Vireonidae, Familia Compsothlypidae, Familia Icteridae, Familia Thraupidae, Familia Fringillidae.

Others which the Presidents of the United States of America and the United Mexican States may determine by common agreement.

ARTICLE V. The high contracting parties agree to apply the stipulations set forth in Article III with respect to the game mammals which live in their respective countries.

ARTICLE VI. This Convention shall be ratified by the high contracting parties in accordance with their constitutional methods and shall remain in force for fifteen years and shall be understood to be extended

from year to year if the high contracting parties have not indicated twelve months in advance their intention to terminate it.

The respective plenipotentiaries sign the present Convention in duplicate in English and Spanish, affixing thereto their respective seals, in the City of Mexico, the seventh day of February of 1936.

(Signed) Josephus Daniels. Eduardo Hay.

December 1, 1964

STATEMENT BY U.S. SENATE COMMITTEE ON COMMERCE STAFF

JANUARY 1965

**PROTECTION OF MIGRATORY BIRDS AND
GAME MAMMALS**

This treaty adopted a system for the protection of certain migratory birds in the United States and Mexico; allows, under regulation, the rational use of certain migratory birds; provides for enactment of laws and regulations to protect birds by establishment of closed seasons and refuge zones; prohibits killing of insectivorous birds, except under permit when harmful to agriculture; provides for enactment of regulations on transportation of game mammals across United States-Mexican border.

G. UNION OF SOVIET SOCIALIST REPUBLICS

(See also Multilaterals)

(a) Fisheries

- (1) Treaty regarding navigation, fishing, and trading on the Pacific Ocean and along the northwest coast of America.¹
Signed at St. Petersburg April 17, 1824; entered into force January 11, 1825.
8 Stat. 302; TS 298; 11 Malloy 1512.
- (2) Fishing operations; Northeastern Pacific Ocean.
Agreement between the United States of America and the Union of Soviet Socialist Republics relating to Fishing Operations in the Northeastern Pacific Ocean.
Signed at Washington December 14, 1964. Entered into force December 14, 1964.
TIAS 5703.

(b) Alaska

Convention between the United States of America and Russian ceding Alaska.
Concluded March 30, 1867.

¹ Art. 3 obsolete by virtue of Alaska cession treaty (15 Stat. 539; TS 301); art. 4 expired April 17, 1834.
Inoperative at the present time.

(a) FISHERIES

- (1) Treaty regarding navigation, fishing, and trading on the Pacific Ocean and along the northwest coast of America.¹

Signed at St. Petersburg April 17, 1824; entered into force January 11, 1825.

8 Stat. 302; TS 298; II Malloy 1512.

¹ Art. 3 obsolete by virtue of Alaska cession treaty (15 Stat. 539; TS 301); art. 4 expired April 17, 1834.

**Treaty Between the United States and Russia Concerning
Navigation, Fishing, &c., in Pacific Ocean.**

Concluded, April 17, 1824.

Ratification advised by the Senate, January 5, 1825.

Ratified by the President, January 7, 1825.

Ratifications exchanged, January 11, 1825.

Proclaimed, January 12, 1825.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION.

Whereas a Convention between the United States of America, and His Majesty the Emperor of all the Russias, was concluded and signed at St. Petersburg on the fifth-seventeenth day of April in the year of our Lord one thousand eight hundred and twenty-four; which Convention being in the French Language, is word for word as follows, a Translation of the same being hereto annexed.

[Translation from the original, which is in the French language.]

In the Name of the Most Holy and Indivisible Trinity.

The President of the United States of America and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them and to secure between them the invariable maintenance of a perfect concord, by means of the present Convention, have named as their Plenipotentiaries to this effect, to wit: The President of the United States of America, Henry Middleton a Citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty: and His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert Count of Nesselrode, actual Privy Counsellor, Member of the Council of State, Secretary of State directing the administration of foreign Affairs, actual Chamberlain, Knight of the order of St. Alexander Nevsky, Grand Cross of the order of St. Wladimir of the first Class, Knight of that of the white Eagle of Poland, Grand Cross of the order of St. Stephen of Hungary, Knight of the orders of the Holy Ghost and of St. Michael, and Grand Cross of the Legion of Honour of France, Knight Grand Cross of the orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Wirtemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma, and Pierre de Poletica, actual Counsellor of State, Knight of the order of St. Anne of the first Class, and Grand Cross of the order of St. Wladimir of the second; who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following stipulations.

ARTICLE FIRST.

It is agreed that in any part of the Great Ocean, commonly called the Pacific Ocean, or South-Sea, the respective Citizens or Subjects of the high contracting Powers shall be neither disturbed nor restrained either in navigation, or in fishing, or in the power of resorting to the coasts upon points which may not already have been occupied, for the purpose of trading with the Natives, saving always the restrictions and conditions determined by the following articles.

ARTICLE SECOND.

With a view of preventing the rights of navigation and of fishing, exercised upon the Great Ocean by the Citizens and Subjects of the high contracting Powers from becoming the pretext for an illicit trade, it is agreed, that the Citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the Governor or Commander; and that, reciprocally, the Subjects of Russia shall not resort, without permission, to any establishment of the United States upon the North West Coast.

ARTICLE THIRD.

It is moreover agreed, that hereafter there shall not be formed by the Citizens of the United-States, or under the authority of the said States, any establishment upon the North West Coast of America, nor in any of the Islands adjacent, *to the north* of fifty four degrees and forty minutes of north latitude; and that in the same manner there shall be none formed by Russian Subjects or under the authority of Russia *south* of the same parallel.

ARTICLE FOURTH.

It is nevertheless understood that during a term of ten years, counting from the signature of the present Convention, the ships of both Powers, or which belong to their Citizens or Subjects respectively, may reciprocally frequent without any hindrance whatever, the interior seas, gulfs, harbours and creeks upon the Coast mentioned in the preceding Article, for the purpose of fishing and trading with the natives of the country.

ARTICLE FIFTH.

All spirituous liquors, fire-arms, other arms, powder and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding Article, and the two Powers engage, reciprocally, neither to sell, nor suffer them to be sold to the Natives by their respective Citizens and Subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandise, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce: the high contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishment, in case of the contravention of this Article by their respective Citizens or Subjects.

ARTICLE SIXTH.

When this Convention shall have been duly ratified by the President of the United-States, with the advice and consent of the Senate on th one part, and on the other by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner if possible. In

faith whereof the respective Plenipotentiaries have signed this Convention, and thereto affixed the Seals of their Arms.

Done at St. Petersburg the 5-17 April, of the year of Grace one thousand eight hundred and twenty four.

(Signed)

[L. s.]
HENRY MIDDLETON.

[L. s.]
Le Comte CHARLES DE NESSELRODE.

[L. s.]
PIERRE DE POLETICA.

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the eleventh day of the present month, by John Quincy Adams, Secretary of State of the United States, and the Baron de Tuyl, Envoy Extraordinary and Minister Plenipotentiary of His Imperial Majesty, on the part of their respective governments.

Now, therefore, be it known that I, James Monroe, President of the United States, have caused the said Convention to be made public; to the end that the same, and every clause and Article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand, and caused the Seal of the United States to be affixed.

Done at the City of Washington this twelfth day of January in the
[SEAL] year of our Lord one thousand eight hundred and twenty-five, and of the Independence of the United States, the forty-ninth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State

FISHING OPERATIONS—NORTHEASTERN PACIFIC OCEAN

Agreement Between the United States of America and the Union of Soviet Socialist Republics

Signed at Washington December 14, 1964;

Entered into force December 14, 1964.

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS RELATING TO FISHING OPERATIONS IN THE NORTHEASTERN PACIFIC OCEAN

The Governments of the United States of America and the Union of the Soviet Socialist Republics,

Being mutually concerned that fishing operations in the northeastern Pacific Ocean carried on by the fishermen of the two countries be conducted with due consideration for the interests of both Parties;

Considering it desirable to take measures for the prevention of damage to the fishing gear used by the fishermen of both countries;

Considering it desirable also to provide for appropriate contacts between representatives of both countries on questions related to the conduct of the fisheries;

Have agreed on the following measures for implementation of the Agreement concluded between the two Governments by exchange of notes, the note of the United States of America of May 4, 1964, No. 1166, and the note of the Union of Soviet Socialist Republics of June 3, 1964, No. 29 :¹

ARTICLE I

The Parties will take measures to emphasize to their officials, fishing industry organizations and fishermen the importance of special efforts to protect fishing gear belonging to each side from damage by vessels and fishing gear of the other side, when conducting fishing operations in the northeastern Pacific Ocean. Each Party will encourage the use by its officials, fishing industry organizations and fishermen of devices, detectable both day and night, to mark the location of fixed fishing gear. The Parties will inform each other of the devices and the manner in which they are used. Each Party will promote the exercise of necessary caution on the part of persons responsible for the operation of vessels and gear so as to aid to the maximum extent practicable in timely detection of the vessels and gear of the other Party and prevention of damage thereto.

¹ Not printed. Records the willingness of the two Governments to meet and discuss the existing fishery problem.

ARTICLE II

A. In the six areas adjacent to the Island of Kodiak described herein and shown on the attached chart, during the period July to October inclusive, fishing operations with mobile fishing gear will not be carried on. Fishing with mobile fishing gear may be carried on outside of these areas.

B. The areas in which fishing operations with mobile fishing gear will not be carried on are as follows:

1. The area bounded by a line beginning at $57^{\circ}15'$ N latitude and $154^{\circ}51'$ W longitude and extending thence to $56^{\circ}57'$ N latitude and $154^{\circ}34'$ W longitude, extending thence to $56^{\circ}21'$ N latitude and $155^{\circ}40'$ W longitude, extending thence to $56^{\circ}26'$ N latitude and $155^{\circ}55'$ W longitude, and extending thence to the point of origin.

2. The area bounded by a line beginning at $56^{\circ}27'$ N latitude and $154^{\circ}06'$ W longitude and extending thence to $55^{\circ}46'$ N latitude and $155^{\circ}27'$ W longitude, extending thence to $55^{\circ}40'$ N latitude and $155^{\circ}17'$ W longitude, extending thence to $55^{\circ}48'$ N latitude and $155^{\circ}00'$ W longitude, extending thence to $55^{\circ}54'$ N latitude and $154^{\circ}55'$ W longitude, extending thence to $56^{\circ}03'$ N latitude and $154^{\circ}36'$ W longitude, extending thence to $56^{\circ}03'$ N latitude and $153^{\circ}45'$ W longitude, extending thence to $56^{\circ}30'$ N latitude and $153^{\circ}45'$ W longitude, extending thence to $56^{\circ}30'$ N latitude and $153^{\circ}49'$ W longitude, and extending thence to the point of origin.

3. The area bounded by a line beginning at $56^{\circ}30'$ N latitude and $153^{\circ}49'$ W longitude and extending thence to $56^{\circ}30'$ N latitude and $153^{\circ}00'$ W longitude, extending thence to $56^{\circ}44'$ N latitude and $153^{\circ}00'$ W longitude, extending thence to $56^{\circ}57'$ N latitude and $153^{\circ}15'$ W longitude, extending thence to $56^{\circ}45'$ N latitude and $153^{\circ}45'$ W longitude, and extending thence to the point of origin.

4. The area bounded by a line beginning at $57^{\circ}05'$ N latitude and $152^{\circ}52'$ W longitude and extending thence to $56^{\circ}54'$ N latitude and $152^{\circ}52'$ W longitude, extending thence to $56^{\circ}46'$ N latitude and $152^{\circ}37'$ W longitude, extending thence to $56^{\circ}46'$ latitude and $152^{\circ}20'$ W longitude, extending thence to $57^{\circ}19'$ N latitude and $152^{\circ}20'$ W longitude, and extending thence to the point of origin.

5. The area bounded by a line beginning at $57^{\circ}35'$ N latitude and $152^{\circ}03'$ W longitude and extending thence to $57^{\circ}11'$ N latitude and $151^{\circ}14'$ W longitude, extending thence to $57^{\circ}19'$ N latitude and $150^{\circ}57'$ W longitude, extending thence to $57^{\circ}48'$ N latitude and $152^{\circ}00'$ W longitude, and extending thence to the point of origin.

6. The area bounded by a line beginning at $58^{\circ}00'$ N latitude and $152^{\circ}00'$ W longitude and extending thence to $58^{\circ}00'$ N latitude and $150^{\circ}00'$ W longitude, extending thence to $58^{\circ}12'$ N latitude and $150^{\circ}00'$ W longitude, extending thence to $58^{\circ}19'$ N latitude and $151^{\circ}29'$ W longitude and extending thence to the point of origin.

C. As an exception, small shrimp craft may conduct trawling operations in the above areas in such a way that they do not interfere with fixed gear in these areas.

D. It is understood that the right of fishermen of the Soviet Union to fish does not extend to the territorial waters of the United States of America.

E. Boundaries of the areas described in paragraph B of this Article may be changed during the period July through October by mutual agreement between the Regional Director, Bureau of Commercial Fisheries of the United States Department of the Interior, in Juneau, Alaska, and the Chief of the Joint Expedition in the Soviet fleet, DALRYBA. Using the radio communication channels provided for in Article III, either of the representatives mentioned above may communicate with the other when his Party desires to propose a boundary change. If agreement cannot be reached readily via radio communication channels on the nature of the change, the time period during which it shall apply and the time at which it shall become effective, the representatives mentioned above, at the request of either, will meet to discuss the matter further for the purpose of reaching agreement.

F. In addition, should unforeseen circumstances arise which lead either Party to consider desirable a change in the period during which the areas described in paragraph B of this Article are reserved for fixed gear or the establishment by mutual agreement of additional such areas, either of the representatives mentioned above may propose such a change to the other, using the communications channels provided for in Article III. If agreement cannot be reached readily via radio communication channels, the said representatives, at the request of either, will meet to discuss the matter further for the purpose of reaching agreement.

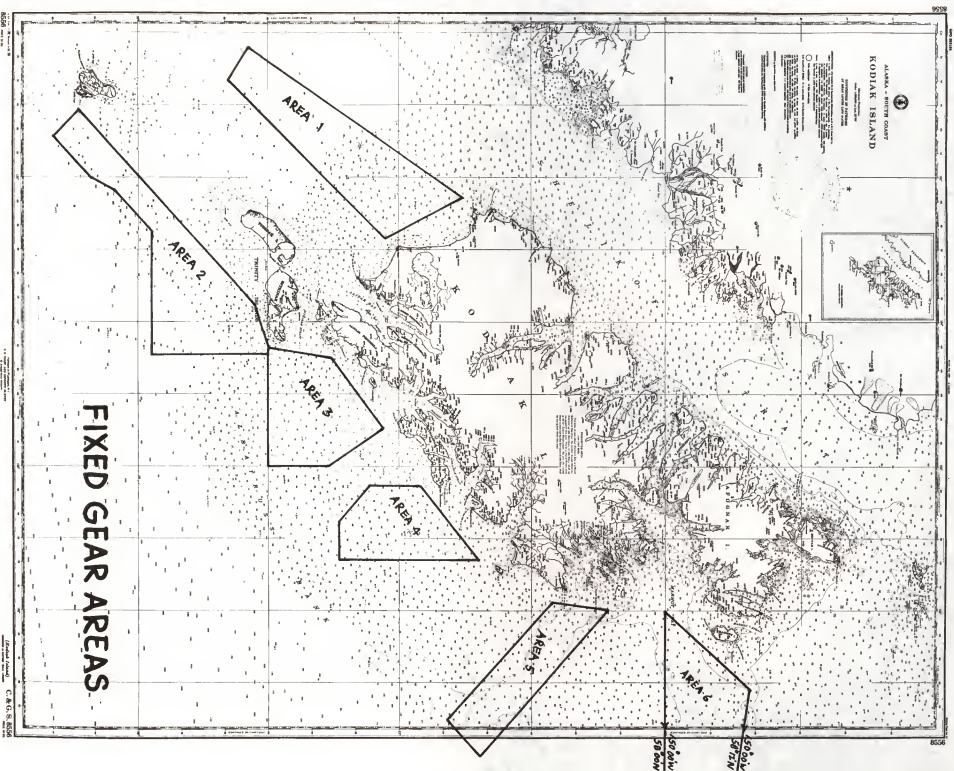
ARTICLE III

A. It is understood that some vessels are likely to operate fixed gear outside the areas described in Article II. Each Party will take special measures to promote the use by persons operating such vessels and gear of means of marking such gear in addition to those ordinarily used.

B. In order to inform the trawling fleet of the locations of fixed gear referred to in paragraph A, the Westward Regional Supervisor of the Alaska Department of Fish and Game and the Chief of the Joint Expedition in the Soviet fleet, DALRYBA, will, if the necessity arises, transmit timely information to each other on the location of such vessels and fishing gear. Arrangements for such transmissions, including the designation of working frequencies and times of transmission, will be agreed upon between the above-mentioned officials. United States Coast Guard radio station NOJ on Kodiak Island will call the Soviet command ship on 500 kilocycles in A₁ telegraphic emission in accordance with international radio communication procedures for the above-mentioned purpose. The Government of the Union of Soviet Socialist Republics will notify the Government of the United States of America through diplomatic channels of the name and the call sign of the Soviet command ship and the time of the initial call.

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C. The persons responsible for the operation of trawlers will be given specific instructions regarding extraordinary precautionary measures to be taken when operating in the vicinity of fixed gear the positions of which have been reported in accordance with paragraph B of this Article, or other fixed gear which is detected. Such measures may include increased watches on trawlers at night and under conditions of poor visibility, constant determination and correction with the aid of radio navigational methods of the trawler's location when approaching areas in which fixed gear has been reported in accordance with paragraph B, as well as other measures directed at precluding possible damage to such gear.

D. The provisions of Article III do not extend to vessels fishing for halibut.

ARTICLE IV

The United States will carry out further research designed to develop a more effective and practical method for marking the location of fixed gear. Soviet technicians will cooperate with those of the United States in this effort, particularly in connection with the testing of the effectiveness of new gear markers. The specific arrangements for such cooperation will be developed by the representatives mentioned in Article II, using the communication facilities provided for therein.

ARTICLE V

Each Party will immediately inform the other of damage to its fishing gear caused by the vessels or gear of the other Party in the northeastern Pacific Ocean, through the communication arrangements provided for in Article III or through diplomatic channels.

ARTICLE VI

This Agreement is without prejudice to the rights of either Party with respect to the conduct of fishing operations in the northeastern Pacific Ocean.

ARTICLE VII

The Parties consider it desirable to expand contacts between government officials, representatives of the fishing industry, and fishery scientific workers of both countries for the discussion of questions of mutual interest and the achievement of greater mutual understanding.

ARTICLE VIII

This Agreement shall remain in effect for a period of three years and thereafter until three months from the date on which either of the Parties notifies the other of its intent to terminate this Agreement. The Parties will meet late in the third year in which this Agreement has been in effect to review its effectiveness and to determine the need for further measures to prevent damage to each other's fishing gear.

Convention Between the United States and Russia Ceding Alaska¹

Concluded March 30, 1867; ratification advised by the Senate April 9, 1867; ratified by the President May 28, 1867; ratifications exchanged June 20, 1867; proclaimed June 20, 1867.

ARTICLES

- | | |
|---|---|
| I. Territory ceded; boundaries.
II. Public property ceded.
III. Citizenship of inhabitants; uncivilized tribes. | IV. Formal delivery.
V. Withdrawal of troops.
VI. Payment; effect of cession.
VII. Ratification. |
|---|---|

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

ARTICLE I.

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russian and Great Britain, of February 28-16, 1825, and described in Articles III and IV of said convention, in the following terms:

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133^d degree of west longitude (meridian of Greenwich,) the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude, (of the same meridian;) and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

"1st That the island called Prince of Wales Island shall belong wholly to Russia," (now, by this cession, to the United States.)

¹ Federal cases: *Kinhead v. U.S.*, 150 U.S.; 18 Ct. Cl., 504; Ct. Cl., 459; *Callsen v. Hope*, 75 Fed. Rep., 758; *Rasmussen v. U.S.*, 197 U.S., 516.

"2^d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a south-westerly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group, in the North Pacific ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian.

ARTICLE II.

In the cession of territory and dominion made by the preceding article, are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any Government archives, papers, and documents relative to the territory and dominion aforesaid, which may now be existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian government, or to such Russian officers or subjects as they may apply for.

ARTICLE III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property and religion. The uncivi-

lized tribes will be subject to such laws and regulations as the United States, may from time to time, adopt in regard to aboriginal tribes of that country.

ARTICLE IV.

His Majesty, the Emperor of all the Russias shall appoint, with convenient dispatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

ARTICLE V.

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory, shall be delivered to the agent of the United States, and any Russian troops which may be in the Territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

ARTICLE VI.

In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property-holders; and the cession hereby made, conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ARTICLE VII.

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March in the year of our Lord one thousand eight hundred and sixty-seven.

[SEAL.]
[SEAL.]

EDOUARD DE STOECKL,
WILLIAM H. SEWARD.

H. UNITED KINGDOM

(See Canada and see also Multilaterals)

309



ANNEX

Treaties in Process, Not Yet in Force for the United States

A. ANTARCTIC FAUNA AND FLORA

Recommendation on agreed measures for conservation of Antarctic Fauna and Flora. Adopted at Brussels June 2, 1964 at the Third Antarctic Treaty Consultative Meeting.

Not yet in force; will come into force on notification of approval by all Governments whose representatives are entitled to participate in meetings provided for under Article IX of the Antarctic Treaty. One government has given notification of approval. The United States has not yet given such notification.

311

A. ANTARCTIC FAUNA AND FLORA

Recommendation on agreed measures for conservation of Antarctic Fauna and Flora. Adopted at Brussels June 2, 1964 at the Third Antarctic Treaty Consultative Meeting.

Not yet in force; will come into force on notification of approval by all Governments whose representatives are entitled to participate in meetings provided for under Article IX of the Antarctic Treaty. One government has given notification of approval. The United States has not yet given such notification.

AGREED MEASURES FOR THE CONSERVATION OF ANTARCTIC FAUNA AND FLORA

The Representatives, taking into consideration Article IX of the Antarctic Treaty, and recalling Recommendation I-VIII of the First Consultative Meeting and Recommendation II-II of the Second Consultative Meeting, recommend to their governments that they approve as soon as possible and implement without delay the annexed "Agreed Measures for the Conservation of Antarctic Fauna and Flora".

PREAMBLE

The Governments participating in the Third Consultative Meeting under Article IX of the Antarctic Treaty,

Desiring to implement the principles and purposes of the Antarctic Treaty;

Recognizing the scientific importance of the study of Antarctic fauna and flora, their adaptation to their rigorous environment, and their interrelationship with that environment;

Considering the unique nature of these fauna and flora, their circumpolar range, and particularly their defencelessness and susceptibility to extermination;

Desiring by further international collaboration within the framework of the Antarctic Treaty to promote and achieve the objectives of protection, scientific study, and rational use of these fauna and flora; and

Having particular regard to the conservation principles developed by the Scientific Committee on Antarctic Research (SCAR) of the International Council of Scientific Unions;

Hereby consider the Treaty Area as a Special Conservation Area and have agreed on the following measures:

ARTICLE I

1. These Agreed Measures shall apply to the same area to which the Antarctic Treaty is applicable (hereinafter referred to as the Treaty Area) namely the area south of 60° South Latitude, including all ice shelves.

2. However, nothing in these Agreed Measures shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within the Treaty Area, or restrict the implementation of the provisions of the Antarctic Treaty with respect to inspection.

3. The Annexes to these Agreed Measures shall form an integral part thereof, and all references to the Agreed Measures shall be considered to include the Annexes.

ARTICLE II

For the purposes of these Agreed Measures:

(a) "Native mammal" means any member, at any stage of its life cycle, of any species belonging to the Class Mammalia indigenous to the Antarctic or occurring there through natural agencies of dispersal, excepting whales.

(b) "Native bird" means any member, at any stage of its life cycle (including eggs), of any species of the Class Aves indigenous to the Antarctic or occurring there through natural agencies of dispersal.

(c) "Native Plant" means any kind of vegetation at any stage of its life cycle (including seeds), indigenous to the Antarctic or occurring there through natural agencies of dispersal.

(d) "Appropriate authority" means any person authorized by a Participating Government to issue permits under these Agreed Measures.

(e) "Permit" means a formal permission in writing issued by an appropriate authority.

(f) "Participating Government" means any Government for which these Agreed Measures have become effective in accordance with Article XIII of these Agreed Measures.

ARTICLE III

Each Participating Government shall take appropriate action to carry out these Agreed Measures.

ARTICLE IV

The Participating Governments shall prepare and circulate to members of expeditions and stations information to ensure understanding and observance of the provisions of these Agreed Measures, setting forth in particular prohibited activities, and providing lists of specially protected species and specially protected areas.

ARTICLE V

The provisions of these Agreed Measures shall not apply in cases of extreme emergency involving possible loss of human life or involving the safety of ships or aircraft.

ARTICLE VI

1. Each Participating Government shall prohibit within the Treaty Area the killing, wounding, capturing or molesting of any native mammal or native bird, or any attempt at any such act, except in accordance with a permit.

2. Such permits shall be drawn in terms as specific as possible and issued only for the following purposes:

(a) to provide indispensable food for men or dogs in the Treaty Area in limited quantities, and in conformity with the purposes and principles of these Agreed Measures;

(b) to provide specimens for scientific study or scientific information;

(c) to provide specimens for museums, zoological gardens, or other educational or cultural institutions or uses.

3. Permits for Specially Protected Areas shall be issued only in accordance with the provisions of Article VIII.

4. Participating Governments shall limit the issue of such permits so as to ensure as far as possible that:

(a) no more native mammals or birds are killed or taken in any year than can normally be replaced by natural reproduction in the following breeding season;

(b) the variety of species and the balance of the natural ecological systems existing within the Treaty Area are maintained.

5. The species of native mammals and birds listed in Annex A of these Measures shall be designated "Specially Protected Species", and shall be accorded special protection by Participating Governments.

6. A Participating Government shall not authorise an appropriate authority to issue a permit with respect to a Specially Protected Species except in accordance with paragraph 7 of this Article.

7. A permit may be issued under this Article with respect to a Specially Protected Species, provided that:

(a) it is issued for a compelling scientific purpose, and

(b) the actions permitted thereunder will not jeopardise the existing natural ecological system or the survival of that species.

ARTICLE VII

1. Each Participating Government shall take appropriate measures to minimize harmful interference within the Treaty Area with the normal living conditions of any native mammal or bird, or any attempt at such harmful interference, except as permitted under Article VI.

2. The following acts and activities shall be considered as harmful interference:

(a) allowing dogs to run free,

(b) flying helicopters or other aircraft in a manner which would unnecessarily disturb bird and seal concentrations, or landing close to such concentrations (e.g. within 200 metres),

(c) driving vehicles unnecessarily close to concentrations of birds and seals (e.g. within 200 metres),

(d) use of explosives close to concentrations of birds and seals,

(e) discharge of firearms close to bird and seal concentrations (e.g. within 300 metres),

(f) any disturbance of bird and seal colonies during the breeding period by persistent attention from persons on foot.

However, the above activities, with the exception of those mentioned in (a) and (e) may be permitted to the minimum extent necessary for the establishment, supply and operation of stations.

3. Each Participating Government shall take all reasonable steps towards the alleviation of pollution of the waters adjacent to the coast and ice shelves.

ARTICLE VIII

1. The areas of outstanding scientific interest listed in Annex B shall be designated "Specially Protected Areas" and shall be accorded special protection by the Participating Governments in order to preserve their unique natural ecological system.

2. In addition to the prohibitions and measures of protection dealt with in other Articles of these Agreed Measures, the Participating Governments shall in Specially Protected Areas further prohibit:

(a) the collection of any native plant, except in accordance with a permit;

(b) the driving of any vehicle.

3. A permit issued under Article VI shall not have effect within a Specially Protected Area except in accordance with paragraph 4 of the present Article.

4. A permit shall have effect within a Specially Protected Area provided that:

(a) it was issued for a compelling scientific purpose which cannot be served elsewhere; and

(b) the actions permitted thereunder will not jeopardise the natural ecological system existing in that Area.

ARTICLE IX

1. Each Participating Government shall prohibit the bringing into the Treaty Area of any species of animal or plant not indigenous to that Area, except in accordance with a permit.

2. Permits under paragraph 1 of this Article shall be drawn in terms as specific as possible and shall be issued to allow the importation only of the animals and plants listed in Annex C. When any such animal or plant might cause harmful interference with the natural system if left unsupervised within the Treaty Area, such permits shall require that it be kept under controlled conditions and, after it has served its purpose, it shall be removed from the Treaty Area or destroyed.

3. Nothing in paragraphs 1 and 2 of this Article shall apply to the importation of food into the Treaty Area so long as animals and plants used for this purpose are kept under controlled conditions.

4. Each Participating Government undertakes to ensure that all reasonable precautions shall be taken to prevent the accidental introduction of parasites and diseases into the Treaty Area. In particular, the precautions listed in Annex D shall be taken.

ARTICLE X

Each Participating Government undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in the Treaty Area contrary to the principles or purposes of these Agreed Measures.

ARTICLE XI

Each Participating Government whose expeditions use ships sailing under flags of nationalities other than its own shall, as far as feasible, arrange with the owners of such ships that the crews of these ships observe these Agreed Measures.

ARTICLE XII

1. The Participating Governments may make such arrangements as may be necessary for the discussion of such matters as:

(a) the collection and exchange of records (including records of permits) and statistics concerning the numbers of each species of native mammal and bird killed or captured annually in the Treaty Area;

(b) the obtaining and exchange of information as to the status of native mammals and birds in the Treaty Area, and the extent to which any species needs protection;

(c) the number of native mammals or birds which should be permitted to be harvested for food, scientific study, or other uses in the various regions;

(d) the establishment of a common form in which this information shall be submitted by Participating Governments in accordance with paragraph 2 of this Article.

2. Each Participating Government shall inform the other Governments in writing before the end of November of each year of the steps taken and information collected in the preceding period of July 1 to June 30 relating to the implementation of these Agreed Measures. Governments exchanging information under paragraph 5 of Article VII of the Antarctic Treaty may at the same time transmit the information relating to the implementation of these Agreed Measures.

ARTICLE XIII

1. After the receipt by the Government designated in Recommendation I-XIV (5) of notification of approval by all Governments whose representatives are entitled to participate in meetings provided for under Article IX of the Antarctic Treaty, these Agreed Measures shall become effective for those Governments.

2. Thereafter any other Contracting Party to the Antarctic Treaty may, in consonance with the purposes of Recommendation III-VII, accept these Agreed Measures by notifying the designated Government of its intention to apply the Agreed Measures and to be bound by them. The Agreed Measures shall become effecting with regard to such Governments on the date of receipt of such notifications.

3. The designated Government shall inform the Governments referred to in paragraph 1 of this Article of each notification of approval, the effective date of these Agreed Measures and of each notification of acceptance. The designated Government shall also inform any Government which has accepted these Agreed Measures of each subsequent notification of acceptance.

ARTICLE XIV

1. These Agreed Measures may be amended at any time by unanimous agreement of the Governments whose Representatives are entitled to participate in meetings under Article IX of the Antarctic Treaty.

2. The Annexes, in particular, may be amended as necessary through diplomatic channels.

3. An amendment proposed through diplomatic channels shall be submitted in writing to the designated Government which shall communicate it to the Governments referred to in paragraph 1. of the present Article for approval; at the same time, it shall be communicated to the other Participating Governments.

4. Any amendment shall become effective on the date on which notifications of approval have been received by the designated Government from all of the Governments referred to in paragraph 1. of this Article.

5. The designated Government shall notify those same Governments of the date of receipt of each approval communicated to it and the date on which the amendment will become effective for them.

6. Such amendment shall become effective on that same date for all other Participating Governments, except those which before the expiry of two months after that date notify the designated Government that they do not accept it.

ANNEXES TO THESE AGREED MEASURES

ANNEX A

Specially protected species . . .

ANNEX B

Specially protected areas . . .

ANNEX C

Importation of animals and plants

The following animals and plants may be imported into the Treaty Area in accordance with permits issued under Article IX (2) of these Agreed Measures:

- (a) sledge dogs,
- (b) domestic animals and plants,
- (c) laboratory animals and plants.

ANNEX D

Precautions to prevent accidental introduction of parasites and diseases into the Treaty Area

The following precautions shall be taken:

1. *Dogs*: All dogs imported into the Treaty Area shall be inoculated against the following diseases:

- (a) distemper;
- (b) contagious canine hepatitis;
- (c) rabies;
- (d) leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*).

Each dog shall be inoculated at least two months before the time of its arrival in the Treaty Area.

2. *Poultry*: Notwithstanding the provisions of Article IX (3) of these Agreed Measures, no living poultry shall be brought into the Treaty Area after July 1, 1966.

RECOMMENDATION III-IX

Interim Guide Lines for Conservation of Fauna and Flora

The Representatives recommend to their Governments that until such time as the Agreed Measures on the Conservation of Antarctic Fauna and Flora may become effective in accordance with Article IX of the Antarctic Treaty, these Agreed Measures as far as feasible be considered as guide lines in this interim period.

RECOMMENDATION III-X

Interest of SCAR in the Conservation of Antarctic Fauna and Flora

Recognizing the initiative already taken by the Scientific Committee on Antarctic Research (SCAR) on matters relating to the conservation of Antarctic fauna and flora, and considering its role as

defined in Recommendation I-IV, the Representatives recommend to their governments that they encourage SCAR to continue its interest in those matters and to prepare reports from time to time on this subject, and especially at this time on the matters that it considers should be listed in the Annexes of the Agreed Measures for the Conservation of Antarctic Fauna and Flora.

RECOMMENDATION III-XI

Pelagic Sealing and the Taking of Fauna on Pack Ice

The Representatives, at the time of adopting the Agreed Measures on the Conservation of Fauna and Flora,

1. *Considering* that appropriate voluntary regulation of pelagic sealing or the taking of fauna on pack ice is of great importance for the fulfilment of the purposes and principles of these Measures;

2. *Recommend* to their Governments that this matter be considered further by them on as broad a basis as practicable in preparing for the Fourth Consultative Meeting at Santiago, Chile, with a view to its inclusion on the Agenda for the Fourth Consultative Meeting;

3. *Recommend* to their Governments that when ships of their nationality engage in pelagic sealing or the taking of fauna on pack ice south of 60° South Latitude, each Government voluntarily regulate these activities to ensure the survival of any species being taken and to ensure that the natural ecological system is not seriously disturbed.



B. FISHERIES

Protocol to the international convention for the Northwest Atlantic Fisheries of February 8, 1949 (TIAS 2089), relating to harp and hood seals. Done at Washington July 15, 1963.

(Not in force.)

Enters into force on date all parties to the Convention have deposited instruments of ratification or have given notification of adherence. Ten of the 43 parties to the convention have deposited instruments of ratification.

The United States deposited its ratification on July 13, 1964.

[Executive B, 88th Congress, 2d Session]

PROTOCOL TO THE NORTHWEST ATLANTIC FISHERIES CONVENTION

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING THE PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES, SIGNED AT WASHINGTON UNDER DATE OF FEBRUARY 8, 1949, WHICH PROTOCOL RELATES TO HARP AND HOOD SEALS. THE PROTOCOL WAS SIGNED AT WASHINGTON UNDER DATE OF JULY 15, 1963, FOR THE UNITED STATES OF AMERICA AND 11 OTHER GOVERNMENTS

APRIL 1, 1964.—Protocol was read the first time and, together with the message and accompanying papers, was referred to the Committee on Foreign Relations and was ordered to be printed for use of the Senate

THE WHITE HOUSE,
April 1, 1964.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Protocol to the International Convention for the Northwest Atlantic Fisheries, signed at Washington under date of February 8, 1949, which protocol relates to harp and hood seals. The protocol was signed at Washington under date of July 15, 1963, for the United States of America and 11 other governments.

I transmit also, for the information of the Senate, the report by the Secretary of State with respect to the protocol.

LYNDON B. JOHNSON.

(Enclosures: (1) Report of the Secretary of State; (2) certified copy of the 1963 Protocol to the International Convention for the Northwest Atlantic Fisheries.)

DEPARTMENT OF STATE,
Washington, March 24, 1964.

THE PRESIDENT,
The White House.

The undersigned, the Secretary of State, has the honor to submit to the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if the President approve thereof, a certified copy of the Protocol to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which protocol relates to harp and hood seals. The protocol, which bears the date of July 15, 1963, was opened for signature on behalf of the 13 governments parties to the 1949 convention (1 UST 477; TIAS 2089), from July 15 through July 29, 1963. During that period it was signed for 12 of those governments, including the United States of America.

During the course of its plenary session on June 19, 1961, the International Commission for the Northwest Atlantic Fisheries adopted a resolution requesting the depositary government, the United States, to formulate and circulate for consideration by the contracting governments an appropriate amendment to the convention, bringing harp and hood seals of the northwest Atlantic area under the provisions of the convention and establishing a separate panel to deal with the conservation requirements of the harp and hood populations. In response to this request, the U.S. Government formulated and circulated a draft protocol. After approval of the draft by the governments concerned, the present protocol was opened for signature.

The 1949 convention has as its purpose the investigation, protection, and conservation of the fisheries of the northwest Atlantic Ocean in order to make possible the maintenance of a maximum sustained catch from those fisheries. It establishes the International Commission for the Northwest Atlantic Fisheries, in which each contracting government has one vote and to which each contracting government may appoint not more than three Commissioners, assisted by one or more experts or advisers. The northwest Atlantic area to which the convention applies is divided into five subareas, separated more or less geographically and biologically, the boundaries of which are defined in the annex to the convention. Each subarea has a special panel of Commissioners drawn from members of the Commission.

The 1963 protocol extends the provisions of the convention to harp and hood seals and provides for the establishment, under the existing Commission, of a panel with jurisdiction respecting these seals in the entire convention area. The International Commission for the Northwest Atlantic Fisheries will determine representation on the panel on the basis of current substantial exploitation of the seals. Each contracting government with coastline adjacent to the convention area will, however, have the right to representation on the panel. Thus the United States may become a member of the panel although it does not participate in the exploitation of the seals.

Harp and hood seals are found in the Arctic in summer; they migrate south to the Newfoundland and Nova Scotia areas in winter. The principal commercial fishery for these seals is conducted on the ice of the Gulf of St. Lawrence and east of Newfoundland in the early spring. Four parties to the convention presently engage in the fishery: Canada, Denmark, Norway, and the Soviet Union. The

fishery has fallen off to a considerable extent from what it was several years ago, and conservation measures are deemed necessary.

It will be noted that neither the Commission nor the panel is empowered to take direct regulatory action. Recommendations for conservation measures, as specified in article VIII of the convention, will originate with the panel, and the Commission may, on the basis of those recommendations, make proposals for consideration by the contracting governments. Each proposal will become effective for all contracting governments 4 months after notifications of acceptance have been given by all the contracting governments participating in the panel.

The protocol will enter into force when all the Governments parties to the convention have deposited instruments of ratification or given written notifications of adherence with respect to the protocol.

Minor technical amendments to the Northwest Atlantic Fisheries Act of 1950 (16 U.S.C. 981 et seq.) will be necessary after the protocol enters into force to permit the conservation of seals as well as fish under the terms of the act.

I recommend that the Senate give early and favorable consideration to the protocol submitted herewith and give its advice and consent to ratification.

Respectfully submitted.

DEAN RUSK.

(Enclosure: Certified copy of the 1963 Protocol to the International Convention for the Northwest Atlantic Fisheries.)

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention, as amended, is hereinafter referred to as the Convention, desiring to extend the provisions of the Convention to harp and hood seals, agree as follows:

ARTICLE I

The provisions of the Convention shall be applicable with respect to harp and hood seals in conformity with Articles II and III of this Protocol.

ARTICLE II

1. The Contracting Governments shall establish and maintain a Panel with jurisdiction respecting harp and hood seals in the Convention area. Initial representation on the Panel shall be determined

by the International Commission for the Northwest Atlantic Fisheries on the basis of current substantial exploitation of harp and hood seals in the Convention area, except that each Contracting Government with coastline adjacent to the Convention area shall have the right to representation on the Panel.

2. Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel, to determine representation on the Panel on the same basis as provided in paragraph 1 of this Article for initial representation.

ARTICLE III

Proposals in accordance with Article VIII of the Convention for joint action by Contracting Governments with respect to harp and hood seals shall become effective for all Contracting Governments four months after the date on which notifications of acceptance have been received by the Depositary Government from all the Contracting Governments participating in the Panel for harp and hood seals.

ARTICLE IV

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the Convention.

3. Any Government becoming a party to the Convention after this Protocol enters into force shall adhere to this Protocol, such adherence to be effective on the same date that such Government becomes a party to the Convention.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications deposited and adherences received and of the date this Protocol enters into force.

ARTICLE V

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed this Protocol.

DONE at Washington this fifteenth day of July 1963 in the English language.

For Canada:	
C. S. A. RITCHIE	July 15, 1963
For Denmark:	
T. DAHLGAARD	July 26, 1963
For the Federal Republic of Germany:*	
For France:	
BRUNO DE LEUSSE	July 29, 1963
For Iceland:	
INGVI INGVARSSON	July 22nd, 1963
For Italy:	
G. L. MILESI FERRETTI	July 26, 1963
For Norway:	
ROLF HANCKE	July 19, 1963
For Poland:	
E. DROZNIAK	July 16, 1963
For Portugal:	
PED. TH. PEREIRA	July 29, 1963
For Spain:	
ANTONIO GARRIGUES	July 25, 1963
For the Union of Soviet Socialist Republics:	
G. KORNIENKO	18 July 1963
	[Romanization]
For the United Kingdom of Great Britain and Northern Ireland:	
DAVID ORMSBY GORE	20th July 1963
For the United States of America:	
FRED E. TAYLOR	July 26, 1963

I CERTIFY THAT the foregoing is a true copy of the Protocol to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Protocol was signed at Washington under date of July 15, 1963 in the English language, the signed original of which is deposited in the archives of the Government of the United States of America.

IN TESTIMONY WHEREOF, I DEAN RUSK, Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this thirtieth day of July, 1963.

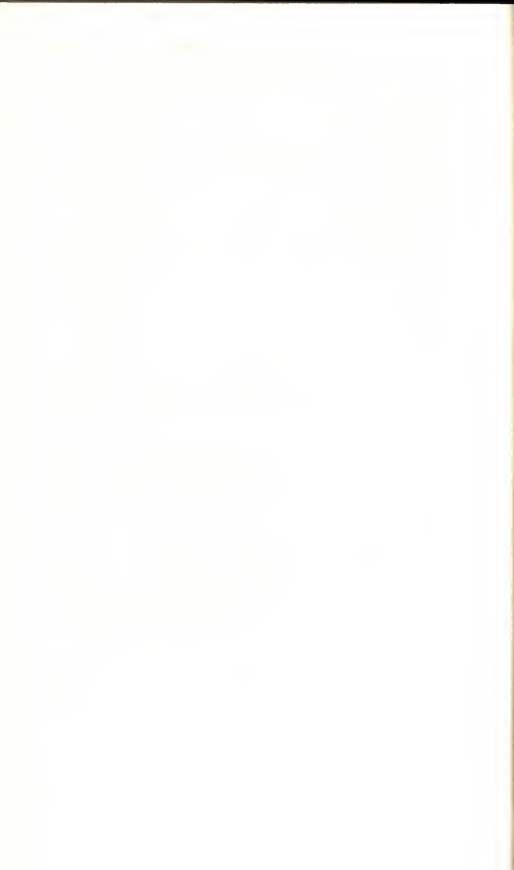
DEAN RUSK, *Secretary of State.*

By BARBARA HARTMAN

Authentication Officer, Department of State.

[SEAL]

*Did not sign.



C. MARITIME MATTERS

- (1) Amendments of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954; adopted at London April 11, 1962. (88th Cong., 1st Sess., Senate Exec. C.)

The amendments will come into force for all parties to the 1954 Convention, except those which before it comes into force make a declaration that they do not accept the amendments, twelve months after the date on which the amendments are accepted by two-thirds of the parties to the 1954 Convention. Twelve of the 28 states which are parties to the 1954 Convention have accepted the amendments as of October 19, 1964.

The United States Senate gave its advice and consent to ratification on February 25, 1964, but the amendments have not been ratified as of January 1965, because implementing legislation has not yet been enacted.

[Executive C, 88th Cong., 1st sess.]

AMENDMENTS OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954*

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING AMENDMENTS OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954

MARCH 25, 1963.—Amendments were read the first time and, together with the message and accompanying papers, was referred to the Committee on Foreign Relations and was ordered to be printed for use of the Senate

THE WHITE HOUSE,
March 25, 1963.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to acceptance, I transmit herewith a certified text of amendments of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, which were adopted by a Conference of Contracting Governments convened at London on April 11, 1962. The amendments would strengthen and expand the present convention in ways deemed advantageous to U.S. interests.

I transmit also, for the information of the Senate, the report by the Secretary of State with respect to the amendments.

JOHN F. KENNEDY.

(Enclosures: (1) Report of the Secretary of State; (2) certified text of amendments to the Oil Pollution Convention, 1954, adopted by the

* The United States Senate gave its advice and consent to ratification on February 25, 1964, but the amendments have not been ratified as of November 6, 1964 because implementing legislation has not yet been enacted.

1962 Conference of Contracting Governments; (3) commentary; (4) copy of the final act of the International Conference on Prevention of Pollution of the Sea by Oil, 1962; (5) copy of report of U.S. delegation; (6) copy of letter of December 7, 1962, from Adm. E. J. Roland, Chairman of the U.S. National Committee for the Prevention of Pollution of the Seas by Oil.)

DEPARTMENT OF STATE,
Washington, March 20, 1963.

THE PRESIDENT,
The White House:

I have the honor to submit to you a certified text of amendments of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, which were adopted by a Conference of Contracting Governments convened at London on April 11, 1962, in accordance with article XVI, subparagraph (3)(a) of that convention. These amendments have been communicated by the Intergovernmental Maritime Consultative Organization to the contracting governments, including the United States, for their acceptance. The amendments are designed to strengthen the 1945 convention so as to lessen the pollution of the sea by oil. They should bring resulting benefits in the preservation of wildlife and marine resources and the improvement of beaches and coastal areas. I recommend that the amendments be transmitted to the Senate for advice and consent to acceptance.

The 1954 convention provides in general for a 50-mile zone around the coasts of all countries into which zone the ships whose governments are parties to the convention are prohibited from discharging oil or oily wastes except under specified exceptional circumstances. Anti-pollution measures applied individually by governments within their own territorial waters, while essential, cannot deal with the problem completely because of the tendency of oil, dumped into the high seas (when ships' tanks are cleaned or when ballast water is discharged from fuel tanks) to drift ashore. A ship when on the high seas can only be regulated in this respect by the government of registry or, in the case of an unregistered ship, by the government having jurisdiction by reason of nationality of the ship. The general 50-mile prohibited zone is supplemented in the convention by the prescription of a number of specific prohibited zones, some embracing considerable sea areas, and by a provision that a contracting government, when circumstances warrant, may by declaration extend the 50-mile zone off the coast of any of its territories to a maximum of 100 miles in the absence of objection from another contracting government. Ships of contracting governments maintain oil record books in which the disposition of oil taken aboard is recorded, and these may be inspected by any contracting government when the ship is in one of its ports.

The 1954 convention was generally regarded as tentative. The Conference which adopted it recommended that a review conference be held within 3 years, but because of delays in the convention's entry into force, the transfer of the "Bureau" functions from the United Kingdom to the Intergovernmental Maritime Consultative Organization (IMCO), and the time required for desirable studies and preparatory activities, the review conference was not held until 1962.

The 1954 convention entered into force on July 26, 1958, 12 months after 10 governments, including 5 each having not less than a half million gross tons of tanker tonnage, had accepted it. The United States, however, did not become a party until 1961, having considered that the convention did not provide means for effectively enforcing antipollution measures and in the belief that better results could be secured through cooperation between governments and their national shipping industries. Largely as a result of intensive separate studies of the convention by an interdepartmental committee and by an industry panel, the U.S. attitude altered in favor of accepting the convention and of seeking, from the standpoint of a participant in the international antipollution program, to have the convention amended so as to accord more closely with U.S. ideas. The U.S. acceptance of the 1954 convention was made subject to an understanding and two reservations, and was accompanied by a number of recommendations designed to direct attention to some of that convention's more obvious shortcomings. The reservations related specifically to a provision which would have obligated the Federal Government to insure that adequate oil reception facilities were at all main U.S. ports although this is not a Federal function in the United States, and an amendment procedure which gave only 4 months during which a government could declare its nonacceptance of amendments or become automatically bound in 6 months.

There is transmitted, for the information of the Senate, a commentary explaining each of the 1962 amendments to the 1954 convention, many of which were proposed by the United States. These amendments would expand and strengthen the present convention to a very considerable extent and also obviate the need for the existing U.S. reservations. The provision on oil reception facilities is altered to require only that governments promote the provision of adequate facilities, and the amendment procedure is revised to provide reasonable opportunity for governments to accept or reject amendments. The new provisions also meet in large measure the specific recommendations made by the United States at the time of accepting the 1954 convention.

The 1962 amendments were formulated by an International Conference on the Prevention of Pollution of the Sea by Oil which was convened at London on March 26, 1962, by the Intergovernmental Maritime Consultative Organization to consider further measures for the prevention of pollution of the sea by oil discharged from ships. Delegations representing 41 governments participated in the Conference, with observers from 14 additional countries in attendance. Specialized agencies of the United Nations and intergovernmental and nongovernmental organizations concerned with shipping problems also attended. The Conference was preceded by nearly 2 years of preparatory work by IMCO. Interested governments made extensive preparations in order that they might participate effectively, utilizing the advice and assistance in many cases of their national shipping and petroleum industries and of conservation societies and others concerned because of the destruction of fish and wildlife resources and the fouling of recreation areas by oil discharged into the sea. On

August 26, 1960, the IMCO Secretariat circulated questionnaires to 74 governments requesting them to bring up to date information regarding various aspects of oil pollution which they had provided the United Nations in 1955. The Secretariat also sent an inquiry to contracting governments to secure their views as to the effectiveness of the convention. Replies were discouraging, in that they disclosed that in many areas pollution had become worse than in 1955, notwithstanding that the 1954 convention had been in force 2 years. This was viewed as due only partially to inadequacies of the convention and as capable of being at least partially explained by the fact that relatively few governments had accepted it. The contracting Governments numbered 15 at the time the 1962 Conference was held; namely, Belgium, Canada, Denmark, Finland, France, Federal Republic of Germany, Ireland, Kuwait, Mexico, Netherlands, Norway, Poland, Sweden, United Kingdom, and United States. Two other Governments, Iceland and Liberia, had accepted the convention, but it was not yet in force for them.

It has been estimated that in the period from 1959 to 1965, both the tonnage of petroleum moving by sea and the tonnage of the world fleet of ships will have increased about 45 percent. This pointed to the need for developing a convention that would be sufficiently rigorous to be effective but which at the same time would not be likely to discourage governments from accepting it on the ground that it would place an unreasonable economic burden on their shipping.

In the spring of 1961, IMCO made provisional arrangements for calling the projected review Conference in 1962. It issued a preliminary notification to governments, inviting their proposals for amending both the 1954 convention and the 1954 resolutions, to form the basis of the work to be undertaken by the Conference. The United States proposed comprehensive amendments and also was represented on IMCO's preparatory working group of experts which had been established to facilitate the preparation of an agenda and working documents for the Conference and to permit preliminary exchanges of views concerning what the Conference should accomplish.

The International Conference was in session from March 26 through April 13, 1962. Rather than write an entirely new convention, the Conference decided to submit the amendments formulated by it for consideration and possible adoption by a separate Conference, consisting of the contracting governments to the 1954 convention, all but one of which were represented at London at the time. The United States was one of the contracting governments which requested the Bureau to convene the Conference of Contracting Governments for this purpose, having considered that this would constitute the more expeditious method of bringing an amended convention into force. Adm. A. C. Richmond, Commandant of the U.S. Coast Guard, served as President of the Conference of Contracting Governments. That Conference unanimously adopted, without modification, the amendments proposed by the larger International Conference.

In addition, the larger International Conference adopted 15 resolutions which were submitted to governments and other bodies concerned for consideration and appropriate action. These resolutions

which supplement or replace those attached to the 1954 convention, are appended as annex II of the final act of the International Conference on Prevention of Pollution of the Sea by Oil, 1962, submitted herewith. The resolutions do not require ratification. They state desirable objectives for governments and other bodies concerned and have been brought to the attention of those interested in the United States through the National Committee for the Prevention and Pollution of the Seas by Oil. Important among the resolutions are those which foster pollution control research, the establishment of international performance standards for oily water separators, the provision of reception facilities and which provide an injunction to governments against taking advantage of various exemptions and exceptions to the agreed controls.

The report of the U.S. delegation to the International Conference, also submitted herewith, summarizes the work of the Conference and recommends acceptance of the amendments by the United States on the basis that they will strengthen the 1954 convention and lessen the pollution of the sea by oil. It points out that new categories of ships, both small and large, have been added to those which must practice antipollution measures, the system of prohibited zones has been reaffirmed and importantly extended, and the prescribed penalties and enforcement procedures have been made more meaningful and practical from the administrative point of view.

The U.S. National Committee for the Prevention of Pollution of the Seas by Oil informed the Department of State by letter dated December 7, 1962, that it recommends that the amendments adopted by the 1962 Conference be ratified by the United States as soon as practicable. A copy of the Committee's letter is enclosed.

The Department of State wholeheartedly supports the recommendation of the National Committee and urges that the United States take early action to accept the amendments.

Necessary implementing legislation with respect to the amendments can be made effective through amendment of the Oil Pollution Act of 1961. Drafts of the necessary amendments of the existing legislation are being prepared for submission to Congress. The drafts will provide for coverage of the additional categories of ships described in the amendments, minor revisions in the requirements for the keeping and inspection of oil record books, and certain language revisions for purposes of clarification and conformity with the convention as amended.

Respectfully submitted.

GEORGE W. BALL.

Enclosures: (1) Certified text of amendments to the Oil Pollution Convention, 1954, adopted by the 1962 Conference of Contracting Governments; (2) commentary; (3) copy of the final act of the International Conference on Prevention of Pollution of the Sea by Oil, 1962; (4) copy of report of U.S. delegation; (5) copy of letter of December 7, 1962, from Adm. E. J. Roland, Chairman of the U.S. National Committee for the Prevention of Pollution of the Seas by Oil.

AMENDMENTS

The following are the amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954:

1. The existing text of Article I of the Convention is replaced by the following:

ARTICLE I

(1) For the purposes of the present Convention, the following expressions shall (unless the context otherwise requires) have the meanings hereby respectively assigned to them, that is to say:

"The Bureau" has the meaning assigned to it by Article XXI;

"Discharge" in relation to oil or to oily mixture means any discharge or escape howsoever caused;

"Heavy diesel oil" means marine diesel oil, other than those distillates of which more than 50 per cent by volume distills at a temperature not exceeding 340°C. when tested by A.S.T.M. Standard Method D. 86/59;

"Mile" means a nautical mile, of 6,080 feet or 1,852 metres;

"Oil" means crude oil, fuel oil, heavy diesel oil and lubricating oil, and "oily" shall be construed accordingly;

"Oily mixture" means a mixture with an oil content of 100 parts or more in 1,000,000 parts of the mixture;

"Organization" means the Inter-Governmental Maritime Consultative Organization;

"Ship" means any sea-going vessel of any type whatsoever, including floating craft, whether self-propelled or towed by another vessel, making a sea voyage; and "tanker" means a ship in which the greater part of the cargo space is constructed or adapted for the carriage of liquid cargoes in bulk and which is not, for the time being, carrying a cargo other than oil in that part of its cargo space.

(2) For the purposes of the present Convention, the territories of a Contracting Government mean the territory of the country of which it is the Government and any other territory for the international relations of which it is responsible and to which the Convention shall have been extended under Article XVIII.

2. The existing text of Article II of the Convention is replaced by the following:

ARTICLE II

(1) The present Convention shall apply to ships registered in any of the territories of a Contracting Government and to unregistered ships having the nationality of a Contracting Party, except:

(a) tankers of under 150 tons gross tonnage and other ships of under 500 tons gross tonnage, provided that each Contracting Government will take the necessary steps, so far as is reasonable and practicable, to apply the requirements of the Convention to such ships also, having regard to their size, service and the type of fuel used for their propulsion;

(b) ships for the time being engaged in the whaling industry when actually employed on whaling operations;

(c) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of St. Lambert Lock at Montreal in the Province of Quebec, Canada;

(d) naval ships and ships for the time being used as naval auxiliaries.

(2) Each Contracting Government undertakes to adopt appropriate measures ensuring that requirements equivalent to those of the present Convention are, so far as is reasonable and practicable, applied to the ships referred to in subparagraph (d) of paragraph (1) of this Article.

3. The existing text of Article III of the Convention is replaced by the following:

ARTICLE III

Subject to the provisions of Articles IV and V:

(a) the discharge from a tanker to which the present Convention applies within any of the prohibited zones referred to in Annex A to the Convention, of oil or oily mixture shall be prohibited;

(b) the discharge from a ship to which the present Convention applies, other than a tanker, of oil or oily mixture shall be made as far as practicable from land. As from a date three years after that on which the Convention comes into force for the relevant territory in respect of the ship in accordance with paragraph (1) of Article II, sub-paragraph (a) of this Article shall apply to a ship other than a tanker, except that the discharge of oil or of oily mixture from such a ship shall not be prohibited when the ship is proceeding to a port not provided with such facilities for ships other than tankers as are referred to in Article VIII;

(c) the discharge from a ship of 20,000 tons gross tonnage or more, to which the present Convention applies and for which the building contract is placed on or after the date on which this provision comes into force, of oil or oily mixture shall be prohibited. However, if, in the opinion of the master, special circumstances make it neither reasonable nor practicable to retain the oil or oily mixture on board, it may be discharged outside the prohibited zones referred to in Annex A to the Convention. The reasons for such discharge shall be reported to the Contracting Government of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II. Full details of such discharges shall be reported to the Organization at least every twelve months by Contracting Governments.

4. The existing text of Article IV of the Convention is replaced by the following:

ARTICLE IV

Article III shall not apply to:

(a) the discharge of oil or oily mixture from a ship for the purpose of securing the safety of a ship, preventing damage to a ship or cargo, or saving life at sea;

(b) the escape of oil or of oily mixture resulting from damage to a ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the

leakage for the purpose of preventing or minimizing the escape;
 (c) the discharge of residue arising from the purification or clarification of fuel oil or lubricating oil, provided that such discharge is made as far from land as is practicable.

5. The existing text of Article V of the Convention is replaced by the following:

ARTICLE V

Article III shall not apply to the discharge from the bilges of a ship:

(a) during the period of twelve months following the date on which the present Convention comes into force for the relevant territory in respect of the ship in accordance with paragraph (1) of Article II, of oily mixture;

(b) after the expiration of such period, of oily mixture containing no oil other than lubricating oil which has drained or leaked from machinery spaces.

6. The existing text of Article VI of the Convention is replaced by the following:

ARTICLE VI

(1) Any contravention of Articles III and IX shall be an offence punishable under the law of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II.

(2) The penalties which may be imposed under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or oily mixture outside the territorial sea of that territory shall be adequate in severity to discourage any such unlawful discharge and shall not be less than the penalties which may be imposed under the law of that territory in respect of the same infringements within the territorial sea.

(3) Each Contracting Government shall report to the Organization the penalties actually imposed for each infringement.

7. The existing text of Article VII of the Convention is replaced by the following:

ARTICLE VII

(1) As from a date twelve months after the present Convention comes into force for the relevant territory in respect of a ship in accordance with paragraph (1) of Article II, such a ship shall be required to be so fitted as to prevent, so far as reasonable and practicable, the escape of fuel oil or heavy diesel oil into bilges, unless effective means are provided to ensure that the oil in the bilges is not discharged in contravention of this Convention.

(2) Carrying water ballast in oil fuel tanks shall be avoided if possible.

8. The existing text of Article VIII of the Convention is replaced by the following:

ARTICLE VIII

(1) Each Contracting Government shall take all appropriate steps to promote the provision of facilities as follows:

(a) according to the needs of ships using them, ports shall be provided with facilities adequate for the reception, without causing undue delay to ships, of such residues and oily mixtures as

would remain for disposal from ships other than tankers if the bulk of the water had been separated from the mixture;

(b) oil loading terminals shall be provided with facilities adequate for the reception of such residues and oily mixtures as would similarly remain for disposal by tankers;

(c) ship repair ports shall be provided with facilities adequate for the reception of such residues and oily mixtures as would similarly remain for disposal by all ships entering for repairs.

(2) Each Contracting Government shall determine which are the ports and oil loading terminals in its territories suitable for the purposes of sub-paragraphs (a), (b) and (c) of paragraph (1) of this Article.

(3) As regards paragraph (1) of this Article, each Contracting Government shall report to the Organization, for transmission to the Contracting Government concerned, all cases where the facilities are alleged to be inadequate.

9. The existing text of Article IX of the Convention is replaced by the following:

ARTICLE IX

(1) Of the ships to which the present Convention applies, every ship which uses oil fuel and every tanker shall be provided with an oil record book, whether as part of the ship's official log book or otherwise, in the form specified in Annex B to the Convention.

(2) The oil record book shall be completed on each occasion, whenever any of the following operations takes place in the ship:

(a) ballasting of and discharge of ballast from cargo tanks of tankers;

(b) cleaning of cargo tanks of tankers;

(c) settling in slop tanks and discharge of water from tankers;

(d) disposal from tankers of oily residues from slop tanks or other sources;

(e) ballasting, or cleaning during voyage, of bunker fuel tanks of ships other than tankers;

(f) disposal from ships other than tankers of oily residues from bunker fuel tanks or other sources;

(g) accidental or other exceptional discharges or escapes of oil from tankers or ships other than tankers.

In the event of such discharge or escape of oil or oily mixture as is referred to in sub-paragraph (c) of Article III or in Article IV, a statement shall be made in the oil record book of the circumstances of, and reason for, the discharge or escape.

(3) Each operation described in paragraph (2) of this Article shall be fully recorded without delay in the oil record book so that all the entries in the book appropriate to that operation are completed. Each page of the book shall be signed by the officer or officers in charge of the operations concerned and, when the ship is manned, by the master of the ship. The written entries in the oil record book shall be in an official language of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II, or in English or French.

(4) Oil record books shall be kept in such a place as to be readily available for inspection at all reasonable times, and, except in the

case of unmanned ships under tow, shall be kept on board the ship. They shall be preserved for a period of two years after the last entry has been made.

(5) The competent authorities of any of the territories of a Contracting Government may inspect on board any ship to which the present Convention applies, while within a port in that territory, the oil record book required to be carried in the ship in compliance with the provisions of this Article, and may make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a true copy of an entry in the ship's oil record book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be delayed.

10. The existing text of Article X of the Convention is replaced by the following:

ARTICLE X

(1) Any Contracting Government may furnish to the Government of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II particulars in writing of evidence that any provision of the present Convention has been contravened in respect of that ship, wheresoever the alleged contravention may have taken place. If it is practicable to do so, the competent authorities of the former Government shall notify the master of the ship of the alleged contravention.

(2) Upon receiving such particulars, the Government so informed shall investigate the matter, and may request the other Government to furnish further or better particulars of the alleged contravention. If the Government so informed is satisfied that sufficient evidence is available in the form required by its law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible, and shall inform the other Government and the Organization of the result of such proceedings.

11. The existing text of Article XIV of the Convention is replaced by the following:

ARTICLE XIV

(1) The present Convention shall remain open for signature for three months from this day's date and shall thereafter remain open for acceptance.

(2) Subject to Article XV, the Government of States Members of the United Nations or of any of the Specialized Agencies or parties to the Statute of the International Court of Justice may become parties to the present Convention by:

- (a) signature without reservation as to acceptance;
- (b) signature subject to acceptance followed by acceptance, or
- (c) acceptance.

(3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Bureau, which shall inform all Governments that have already signed or accepted the present Convention of each

signature and deposit of an acceptance and of the date of such signature or deposit.

12. The existing text of Article XVI of the Convention is replaced by the following:

ARTICLE XVI

(1)(a) The present Convention may be amended by unanimous agreement between the Contracting Governments.

(b) Upon request of any Contracting Government a proposed amendment shall be communicated by the Organization to all Contracting Governments for consideration and acceptance under this paragraph.

(2)(a) An amendment to the present Convention may be proposed to the Organization at any time by any Contracting Government, and such proposal if adopted by a two-thirds majority of the Assembly of the Organization upon recommendation adopted by a two-thirds majority of the Maritime Safety Committee of the Organization shall be communicated by the Organization to all Contracting Governments for their acceptance.

(b) Any such recommendation by the Maritime Safety Committee shall be communicated by the Organization to all Contracting Governments for their consideration at least six months before it is considered by the Assembly.

(3)(a) A conference of Governments to consider amendments to the present Convention proposed by any Contracting Government shall at any time be convened by the Organization upon the request of one-third of the Contracting Governments.

(b) Every amendment adopted by such conference by a two-thirds majority of Contracting Governments shall be communicated by the Organization to all Contracting Governments for their acceptance.

(4) Any amendment communicated to Contracting Governments for their acceptance under paragraph (2) or (3) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments.

(5) The Assembly, by a two-thirds majority vote, including two-thirds of the Governments represented on the Maritime Safety Committee, and subject to the concurrence of two-thirds of the Contracting Governments to the present Convention, or a conference convened under paragraph (3) of this Article by a two-thirds majority vote, may determine at the time of its adoption that the amendment is of such an important nature that any contracting Government which makes a declaration under paragraph (4) of this Article and which does not accept the amendment within a period of twelve months after the amendment comes into force, shall, upon the expiry of this period, cease to be a party to the present Convention.

(6) The Organization shall inform all Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.

(7) Any acceptance or declaration under this Article shall be made by a notification in writing to the Organization which shall notify all Contracting Governments of the receipt of the acceptance or declaration.

13. The existing text of Article XVIII if the Convention is replaced by the following:

ARTICLE XVIII

(1) (a) The United Nations in cases where they are the administering authority for a territory or any Contracting Government responsible for the international relations of a territory shall as soon as possible consult with such territory in an endeavour to extend the present Convention to that territory and may at any time by notification in writing given to the Bureau declare that the Convention shall extend to such territory.

(b) The present Convention shall from the date of the receipt of the notification or from such other date as may be specified in the notification extend to the territory named therein.

(2) (a) The United Nations in cases where they are the administering authority for a territory or any Contracting Government which has made a declaration under paragraph (1) of this Article, at any time after the expiry of a period of five years from the date on which the present Convention has been so extended to any territory, may by a notification in writing given to the Bureau after consultation with such territory declare that the Convention shall cease to extend to any such territory named in the notification.

(b) The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Bureau.

(3) The Bureau shall inform all the Contracting Governments of the extension of the present Convention to any territory under paragraph (1) of this Article, and of the termination of any such extension under the provisions of paragraph (2) stating in each case the date from which the Convention has been or will cease to be so extended.

14. The existing text of Annex A to the Convention is replaced by the following:

ANNEX A

PROHIBITED ZONES

(1) All sea areas within 50 miles from the nearest land shall be prohibited zones.

For the purposes of this Annex, the term "from the nearest land" means "from the base-line from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958".

(2) The following sea areas, insofar as they extend more than 50 miles from the nearest land, shall also be prohibited zones:

(a) *Pacific Ocean*

The Canadian Western Zone

The Canadian Western Zone shall extend for a distance of 100 miles from the nearest land along the west coast of Canada.

(b) *North Atlantic Ocean, North Sea and Baltic Sea*

(i) *The North-West Atlantic Zone*

The North-West Atlantic Zone shall comprise the sea areas within a line drawn from latitude 38°47' north, longitude 73°43' west to latitude 39°58' north, longitude 68°34' west

thence to latitude 42°05' north, longitude 64°37' west thence along the east coast of Canada at a distance of 100 miles from the nearest land.

(ii) *The Icelandic Zone*

The Icelandic Zone shall extend for a distance of 100 miles from the nearest land along the coast of Iceland.

(iii) *The Norwegian, North Sea and Baltic Sea Zone*

The Norwegian, North Sea and Baltic Sea Zone shall extend for a distance of 100 miles from the nearest land along the coast of Norway and shall include the whole of the North Sea and of the Baltic Sea and its Gulfs.

(iv) *The North-East Atlantic Zone.*

The North-East Atlantic Zone shall include the sea areas within a line drawn between the following positions:

<i>Latitude</i>	<i>Longitude</i>
62° north	2° east,
64° north	00°
64° north	10° west,
60° north	14° west;
54° 30' north	30° west,
53° north	40° west;
44° 20' north	40° west,
44° 20' north	30° west;
46° north	20° west,

thence toward Cape Finisterre at the intersection of the 50-limit.

(v) *The Spanish Zone*

The Spanish Zone shall comprise the areas of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Spain and shall come into operation on the date on which the present Convention shall have come into force in respect of Spain.

(vi) *The Portuguese Zone*

The Portuguese Zone shall comprise the area of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Portugal and shall come into operation on the date on which the present Convention shall have come into force in respect of Portugal.

(c) *Mediterranean and Adriatic Seas*

The Mediterranean and Adriatic Zone

The Mediterranean and Adriatic Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Mediterranean and Adriatic Seas and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

(d) *Black Sea and Sea of Azov*

The Black Sea and Sea of Azov Zone

The Black Sea and Sea of Azov Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Black Sea and Sea of Azov and shall come into operation in respect of each

territory on the date on which the present Convention shall have come into force in respect of that territory.

Provided that the whole of the Black Sea and the Sea of Azov shall become a prohibited zone on the date on which the present Convention shall have come into force in respect of Roumania and the Union of Soviet Socialist Republics.

(e) *Red Sea*

The Red Sea Zone

The Red Sea Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Red Sea and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

(f) *Persian Gulf*

(i) *The Kuwait Zone*

The Kuwait Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Kuwait.

(ii) *The Saudi Arabian Zone*

The Saudi Arabian Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Saudi Arabia and shall come into operation on the date on which the present Convention shall have come into force in respect of Saudi Arabia.

(g) *Arabian Sea, Bay of Bengal and Indian Ocean*

(i) *The Arabian Sea Zone*

The Arabian Sea Zone shall comprise the sea areas within a line drawn between the following positions:

<i>Latitude</i>	<i>Longitude</i>
23°33' north	68°20' east,
23°33' north	67°30' east;
22° north	68° east,
20° north	70° east;
18°55' north	72° east,
15°40' north	72°42' east;
8°30' north	75°48' east,
7°10' north	76°50' east;
7°10' north	78°14' east,
9°06' north	79°32' east,

and shall come into operation on the date on which the present Convention shall have come into force in respect of India.

(ii) *The Bay of Bengal Coastal Zone*

The Bay of Bengal Coastal Zone shall comprise the sea areas between the nearest land and a line drawn between the following positions:

<i>Latitude</i>	<i>Longitude</i>
10°15' north	80°50' east,
14°30' north	81°38' east;
20°20' north	88°10' east,
20°20' north	89° east,

and shall come into operation on the date on which the present Convention shall have come into force in respect of India.

(iii) *The Malagasy Zone*

The Malagasy Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Madagascar west of the meridians of Cape d'Ambre in the north and of Cape Ste. Marie in the south and within a distance of 150 miles from the nearest land along the coast of Madagascar east of these meridians, and shall come into operation when the present Convention shall have come into force in respect of Madagascar.

(h) *Australia*

The Australian Zone

The Australian Zone shall comprise the sea area within a distance of 150 miles from the nearest land along the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

(3) (a) Any Contracting Government may propose:

(i) the reduction of any zone off the coast of any of its territories;

(ii) the extension of any such zone to a maximum of 100 miles from the nearest land along any such coast, by making a declaration to that effect and the reduction or extension shall come into force after the expiration of a period of six months after the declaration has been made, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period to the effect that it considers that the destruction of birds and adverse effects on fish and the marine organisms on which they feed would be likely to occur or that its interests are affected either by reason of the proximity of its coasts or by reason of its ships trading in the area, and that it does not accept the reduction or extension, as the case may be.

(b) Any declaration under this paragraph shall be made by a notification in writing to the Organization which shall notify all Contracting Governments of the receipt of the declaration.

(4) The Organization shall prepare a set of charts indicating the extent of the prohibited zones in force in accordance with paragraph (2) of this Annex and shall issue amendments thereto as may be necessary.

15. The following changes to be made in Annex B to the Convention:

1. Throughout the Annex replace the words "Identity numbers of tank(s)" by "Identity numbers of tank(s) concerned".

2. In Form I(a) replace the words "Place or position of ship" by "Place or position of ship at time of discharge".

3. In Form I(d) and Form II(a) and (b) replace the words "Place or position of ship" by "Place or position of ship at time of disposal".

4. In Form I(c) add a new line 17 as follows: "17. Approximate quantities of water discharged" and re-number lines in (d) 18 to 20.

5. Delete the words "from ship" in the headings of Forms I(d) and II(b).

6. In Form III replace the words "Place or position of ship" by "Place or position of ship at time of occurrence".

[Certified by the Acting Secretary-General of IMCO to be a true copy of the amendments adopted by the 1962 Conference of Contracting Governments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954.]

COMMENTARY

1962 AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954

ARTICLE I

Article I contains definitions of expressions used throughout the Convention. Only one of the amended definitions appears to require comment, that is, the definition of "oily mixture" which indirectly defines what shall constitute oil pollution by designation of a specific concentration. In some countries this may necessitate that samples be produced in court in order to establish proof of a violation. This type of definition was criticized by the United States National Committee in 1959 but the matter was restudied by it in preparation for the 1962 conference. After considering the best technical advice obtainable, the Committee found itself unable to develop an acceptable definition which did not refer to a formula and recommended retention of the formula specifying 100 parts or more of oil in 1,000,000 parts of the mixture. The United States accordingly did not propose that the designation of concentration be omitted. The Conference improved the definition by stating it affirmatively and more specifically, and eliminated the previous test that the oil in an oily mixture "fouls the surface of the sea", a matter on which there could be many differences of opinion in many countries. The amended definition, accordingly, is believed to be more realistic than the test contained in the 1954 Convention.

ARTICLE II

Article II establishes the scope of the Convention in its application to all registered and unregistered ships whose governments are parties to the Convention except—(a) tankers of under 150 gross tons and other ships of under 500 gross tons; (b) ships in the whaling industry when actually employed on whaling operations; (c) ships navigating the Great Lakes and tributary waters as specified, and (d) naval ships and ships for the time being used as naval auxiliaries; but in respect to the vessels referred to in subparagraph (d) each Contracting Government undertakes to adopt appropriate measures ensuring that requirements equivalent to those of the Convention are, so far as reasonable and practicable, applied to them.

With regard to (a) above, the United States would have preferred that the exception provided in the 1954 Convention, ships under 500 gross tons, be retained for tankers as well as other ships. The majority of governments maintained that in other parts of the world and especially in European waters the smaller ships, and particularly tankers, contribute materially to the pollution.

The exception concerning whaling contained in the 1954 Convention was much broader than the United States considered acceptable and was tightened, as indicated in (b), in harmony with a United States proposal.

A number of countries had proposed that the Convention should apply to naval vessels. The United States had advocated that naval vessels be included in the scope of the Convention with exemption from provisions which would have been obviously inappropriate, such as the keeping of oil record books. The solution agreed by the Conference and reflected in Article II, paragraph (2) should prove adequate. In this regard, United States naval vessels already are required by fleet orders to observe good housekeeping practices as regards prevention of oil pollution in general.

ARTICLE III

Article III, subparagraph (a) prohibits the discharge from tankers of oil or oil mixtures within prohibited zones referred to in Annex A. Subparagraph (b) provides that in the case of ships other than tankers discharges shall be made as far as practicable from land for the first three years after the Convention comes into force for the relevant territory in which the ship is registered or, if unregistered, has nationality; thereafter the prohibition contained in subparagraph (a) shall apply also to ships other than tankers, except when they are proceeding to a port not provided with adequate reception facilities for the use of such ships. Subparagraph (c) of this Article is entirely new in that it prohibits discharges anywhere and at any time from a ship of 20,000 gross tons or more for which the building contract is placed after the date on which this provision comes into force; if, however, in the opinion of the master special circumstances make it neither reasonable nor practicable to retain the oil or mixture on board it may be discharged outside a prohibited zone, the reasons being reported to the ship's government which will report full details to IMCO. This Article is subject to the provisions of Articles IV and V.

Although the provisions of this Article contained in subparagraph (b) have their counterpart in Article III of the 1954 Convention, the provisions were controversial because many governments, including the United States, believed that the three-year period of delay, which would be granted in the case of each new country becoming a party to the Convention, with respect to application of the Article to ships other than tankers, was unnecessary. These governments opposed it on the ground that port reception facilities are now more generally available than they were in 1954 and that, as respects the application to ships of other requirements of the Convention, these requirements are now so well known that they could readily be met before ratification. However, many delegations whose countries, it is hoped, will become parties to the Convention insisted upon the three-year period of preparation which they claimed to be necessary for them. It was contended that a three-year period had been enjoyed by the present parties to the Convention and to treat other governments differently would be unjust. Their position prevailed, largely because it was believed that elimination of the period would create a stumbling

block and prevent a number of new accessions. The Conference, however, adopted a resolution (No. 7) strongly urging governments which acceded to the Convention in the future to take steps to prevent ships other than tankers from discharging oily wastes within prohibited zones when proceeding to a port where facilities for reception of oily residues exist.

Consideration by this Conference of subparagraph (c), as it was originally proposed by the United Kingdom, was opposed by the United States delegation which considered the proposal discriminatory (being limited to ships of over 20,000 gross tons) and premature, and which sought to have the proposal postponed until after it had been studied by an appropriate international study group. It developed, however, that the procedures advocated by proponents basically were not new and amounted to no more than the American oil companies had been using for some years as part of their anti-pollution program. The original proposal was substantially amended. The most severe criticism made by the United States and by a number of other delegations was met by the Conference's agreement on the latitude now given the master, and by the requirement that full details be reported to IMCO. The Conference also adopted a Resolution (No. 4) to the effect that all tankers (of all sizes) should, whenever reasonably practicable to do so, avoid altogether the discharge into the sea of oily mixtures and should retain them on board for discharge into shore reception facilities.

ARTICLE IV

The paragraph of Article IV (exceptions to the general prohibitions) which originally excepted from the prohibitions of the Convention the discharge of oil or oily mixture from a ship for the purpose of securing its safety or that of its cargo, or saving life at sea, has been amended to except also such discharges when made for similarly securing safety when another ship is involved. A subparagraph of the original Article IV which excepted the discharge of sediment which cannot be pumped from the cargo tanks of tankers by reason of its solidity has been deleted. Another subparagraph which required a special explanation in the oil record book in the event of discharges or escapes referred to in this Article has also been deleted.

ARTICLE V

Article V (also dealing with exceptions to the general prohibitions) has been amended so as to except from the prohibition of the Convention (after expiration of a period of grace) the discharge from the bilges of a ship of oily mixture containing no oil other than lubricating oil which has drained or leaked from machinery spaces. Article V originally excepted altogether the discharge of lubricating oil, and the United States delegation had sought to have this entire exception deleted. The rewording was intended as a compromise of viewpoint, the majority of delegations believing that an exception with respect to lubricating oil which has drained or leaked from machinery spaces to be necessary.

ARTICLE VI

Article VI relates to penalties for violations of the Convention. The 1954 Convention requires only that the penalty imposed by Contracting Governments for violations by its ships outside its territorial waters shall not be less than penalties which may be imposed for discharges into its own territorial waters. This provision, in the light of the known maximum penalties specified in the laws of a number of foreign countries, seemed grossly inadequate, and the United States took the lead in having the Article amended so as to reflect what it was really designed to accomplish. The amendment adopted by the Conference, in accordance with the United States proposal, retains the substance of the 1954 Convention's provision and adds that the penalty "shall be adequate in severity to discourage any such unlawful discharge". The amendment also contains the United States proposal that each Contracting Government shall report to IMCO the penalties actually imposed for each infringement.

ARTICLE VII

Article VII of the 1954 Convention requires that from a date twelve months after the Convention comes into force in respect to the territory of a Contracting Government all ships registered in that territory shall be required to be so fitted as to prevent the escape of fuel oil or heavy diesel oil into bilges the contents of which are discharged into the sea without being passed through an oily-water separator. The United States objected to this wording on the grounds that (1) it is impossible to prevent completely such escape into the bilges, although American ships are so fitted as to make this occurrence unlikely, and (2) a requirement that a mixture must be passed through an oily-water separator does not define the operational requirements of such separator and is meaningless unless it is specified that the overboard discharge contains not more than a certain percentage of oil. The amendment adopted requires that the escape from the bilges be prevented so far as reasonable and practicable. It deletes the reference to passing the mixture through an oily-water separator and substitutes "unless effective means are provided to ensure that the oil in the bilges is not discharged in contravention of this Convention", leaving it up to the shipowner to achieve this result by the effective means most convenient to him. In accordance with another United States proposal the amendment also adds a new paragraph, based on a comparable provision of the 1960 Safety of Life at Sea Convention, which requires that carrying water ballast in oil fuel tanks shall be avoided if possible.

ARTICLE VIII

Article VIII of the 1954 Convention requires that within three years after the Convention comes into force in respect of any of the territories of a Contracting Government that government shall insure the provision in each main port of adequate facilities for the reception of oily wastes from ships other than tankers. In the United States the provision of shore disposal facilities is not a function of the Federal Government. Although United States shore facilities are well above the world standard, the United States made its acceptance of the 1954

Convention subject to the reservation that, while it would urge port authorities, oil terminals or private contractors to provide adequate disposal facilities, the United States would not be obliged to construct, operate, or maintain them or to assume any financial obligation to assist in such activities. The amended Article VIII submitted herewith removes the need for a United States reservation since it requires only that governments "shall take all appropriate steps to promote the provision of [adequate] facilities" at ports, oil terminals, and ship repair ports. The United States delegation had insisted that the Article be amended in this respect.

The United States delegation also secured the addition of a new subparagraph which requires that Contracting Governments shall report to IMCO, for transmission to the Contracting Governments concerned, *all* cases where the shore disposal facilities are alleged to be inadequate. This replaces the 1954 version of the Article under which each Contracting Government is required to submit information to IMCO with respect to reception facilities installed in its "main" ports for the accommodation of ships other than tankers.

ARTICLE IX

Article IX of the 1954 Convention requires that an oil record book, in the form specified in Annex B, be carried aboard ships to which the Convention applies and provides for inspection of such books. This Article is a vital part of the Convention and is perhaps the most controversial since opinions differ as to its effectiveness as a deterrent to the illegal disposition of waste oil. The amended Article IX amplifies, clarifies, and improves the 1954 Convention equivalent. A number of United States suggestions, including one that requires that the record be preserved for a period of two years after the last entry has been made, were adopted.

ARTICLE X

Article X deals with the furnishing of evidence of contraventions of the Convention, their investigation, and proceedings against those responsible. The amendment merely reflects changes in other articles and does not alter the substance of Article X.

ARTICLE XIV

Article XIV of the 1954 Convention specifies the steps and various methods by means of which "governments may become parties to the Convention." In view of the existence of a number of regimes which are not generally recognized as States and the situations which arise when one or more of these seeks to become a party to an international Convention, the United States proposed and took the lead in securing the amendment of this Article so that it now follows the wording generally used in recent international conventions. As amended, the Article provides that "Governments of States Members of the United Nations or of any of the Specialized Agencies or parties to the Statute of the International Court of Justice may become parties to the present Convention" by the various specified methods.

ARTICLE XVI

Article XVI relates to amendments to the Convention. As contained in the 1954 Convention, it provides that any Contracting Government may propose an amendment, which shall be communicated by IMCO to all Contracting Governments for consideration. Pursuant to paragraph (2) such proposed amendment shall be deemed to have been accepted and shall come into force six months after it has been communicated, unless any Contracting Government declares not less than two months before the expiration of that period that it does not accept the amendment. The Article alternatively provides for amendment by two-thirds majority vote of a conference of the Contracting Governments, such amendment to come into force for all Contracting Governments, except those which before it comes into force declare that they do not accept it, twelve months after acceptance by two of the Contracting Governments.

As the six-month period specified in paragraph (2) is too short a time in which to obtain United States action on the acceptance of a proposed amendment, the United States made its acceptance of the 1954 Convention subject to the reservation that amendments communicated pursuant to paragraph (2) will become binding upon the United States only after notice of acceptance thereof has been given by the United States.

The United States proposed to the 1962 Conference that the method of amending the Convention (when unanimous agreement is not practicable) should be the method adopted in the 1960 Safety of Life at Sea Convention, that is, to use the IMCO amendment machine. This, in addition to making uniform the amendment procedures of the two Conventions, would avoid the necessity of holding diplomatic conferences when only a limited number of amendments need be made, and would substitute an acceptable formula for the 1954 Convention's paragraph (2) of this Article, which is impracticable in the case of the United States. The Conference adopted, with one amendment which was completely acceptable to the United States delegation, the United States proposed amendment to the Article. As amended, the Article omits the unreasonable six-month limit and makes unnecessary a United States reservation on that point. By providing for consideration of amendments by various bodies of IMCO prior to their submission to the Contracting Governments, the amended Article insures ample time for consideration of proposed amendments by the United States and affords opportunity in the IMCO bodies, in all of which the United States is represented, to secure the incorporation of United States proposals while the amendments are in process of development.

ARTICLE XVIII

Article XVIII deals with application of the Convention to territories for whose foreign relations a Contracting Government is responsible. The Soviet Russian Delegation, with support from the Rumanian, sought to have the Article deleted on the ground that the Article regarded "colonialism" as a normal circumstance, whereas the Fifteenth General Assembly of the United Nations had adopted a resolution condemning it. After considerable discussion, during which it was ex-

plained that such an article makes possible the extension of the Convention to territories which desire to have it so extended, the Conference adopted the amendment submitted herewith. The amended Article is similar to the corresponding Article of the 1960 Safety of Life at Sea Convention. Although the Soviet delegation at first characterized this as a "half-measure", the Bloc finally accepted it. As amended, the Article specifically requires that the United Nations, in cases where they are the administering authority, or the Contracting Government responsible for the international relations of a territory, must consult with such territory with regard to giving notice to the Bureau concerning extension of the Convention to that territory. In the case of sending a notice to the effect that the Convention no longer extends to a territory, similar consultation must first be held with the territory.

ANNEX A—PROHIBITED ZONES

The Conference substantially amended and extended the prohibited zones which are specified in addition to the general prohibited zone embracing all sea areas within 50 miles from the nearest land, and into which discharges of oil or oily mixtures are forbidden.

Of particular interest are:

(1) The North-West Atlantic Zone extending to sea 100 miles from the coast of the northeastern portion of the United States and joining a similar 100 mile zone along the east coast of Canada. Serious pollution of various areas of the New England coasts had been reported from time to time. The United States proposed this amendment after careful prior study of reported pollution and of the seasonal effect of winds and currents in New England areas.

(2) A Canadian Western Zone extending for a distance of 100 miles from the nearest land along the west coast of Canada. The Canadian proposal at the Conference for this zone presented a problem for the United States delegation. Our delegation lacked evidence that the pollution of the west coast of Canada extended southward so as to affect the west coast of the United States to any substantial degree, and so could hardly have made a case for the extension to 100 miles off the United States west coast. Furthermore, adoption of such a zone, unless there was a real need for it, would not have been desirable. An immediate decision did not have to be made, however, since Annex A provides in paragraph (3) that any Contracting Government may propose the extension of a prohibited zone to a maximum of 100 miles from the nearest land along its coasts (or a reduction if it so desired) by making a declaration to that effect. The extension (or reduction) will come into force after six months unless one of the Contracting Governments has made a declaration not less than two months before the six months expires that it does not accept the extension (or reduction), specifying one or more of the reasons for non-acceptance that are outlined in the Annex. The United States Delegation could not foresee any valid reason for non-acceptance of a 100 mile zone along all or part of the west coast of the United States, if, after studying the situation, the United States decided there was need for such an extension.

(3) An amendment of great importance to countries with seacoasts along the Baltic Sea and its Gulfs and the North Sea was adopted.

It incorporated the whole of those waters into a prohibited zone, closing a "hole" left in the Baltic by the 1954 Annex A. Shipowners of certain European countries had maintained that such a "hole" was necessary, but its existence was blamed for a great deal of the oil pollution of adjoining coasts, especially those of Sweden, Germany, and Finland.

At the Conference a number of Governments which are not parties to the Convention proposed, and in some cases justified, prohibited zones of various areas to protect their coasts. It was the view of the Conference that since the Contracting Governments had already demonstrated their good will towards all countries, including non-members, by agreeing that their ships would observe a 50-mile zone around all coasts including those of non-members, it was unreasonable to expect them to extend such zones to the inconvenience of ships of the Contracting Governments as long as the ships of the non-members advocating the particular extension would be under no obligation to observe any prohibited zones, either around their own coasts or around those of the member countries. It was also taken into consideration that such non-member governments were under no obligation to promote the provision of adequate shore facilities where the oily wastes could be discharged ashore. The Conference accordingly agreed to the establishment of prohibited zones to the extent justified by the non-member proponents, but each of the zones to protect their coasts are to come into operation on the date on which the Convention shall have come into force in respect of the proponent country or countries. Zones so established, to come into operation at a future time, were—

- The Spanish Zone
- The Portuguese Zone
- The Mediterranean and Adriatic Zone
- The Black Sea and Sea of Azov Zone
- The Red Sea Zone
- The Saudi Arabian Zone
- The Bay of Bengal Zone
- The Malagasy Zone

A number of new zones, protecting countries which already have accepted the Convention and coming into operation when the amendments enter into force, were established.

There are a few amendments of general interest, one of which defines the term "from the nearest land" in relation to the base line established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958. Another requires that IMCO prepare a set of charts indicating the extent of the prohibited zones in force in accordance with the Annex as amended, and to issue amendments thereto as necessary.

ANNEX B—FORM OF OIL RECORD BOOK

Annex B to the Convention, which deals with the form and content of the Oil Record Book required by Article IX, was amended to reflect a number of technical changes agreed to by the Conference.

The Resolutions which were agreed to by the Conference and are appended as Annex II of the Final Act of the International Conference

are in the nature of recommendations or expressions of the views of the Conference. They do not require ratification. Some are addressed to governments, some to IMCO, and some to other bodies concerned. Some relate to desirable objectives which the Conference did not consider should be incorporated in the Convention, some because they were deemed premature or otherwise not suitable to be given the force of law at this time if ratified. Other resolutions are in the nature of requests to IMCO which would have been inappropriate if incorporated as mandatory directives in the Convention, considering that many of the countries which comprised the Conference are not members of IMCO.

FINAL ACT OF THE INTERNATIONAL CONFERENCE ON PREVENTION OF POLLUTION OF THE SEA BY OIL, 1962

London, 13 April 1962

1. The Inter-Governmental Maritime Consultative Organization, by resolution of its Assembly in accordance with Article 3(b) of the Convention creating the Organization, decided in April 1961 to convene an International Conference on Prevention of Pollution of the Sea by Oil, with a view to agreeing upon further measures for the prevention of the pollution of the sea by oil discharged from ships.
2. The Conference met at London from 26 March to 13 April 1962.
3. The Governments of the following countries accredited Representatives to the Conference:

Australia	Liberia
Belgium	Madagascar
Brazil	Monaco
Bulgaria	Netherlands
Canada	Norway
China	Panama
Colombia	Peru
Denmark	Poland
Dominican Republic	Portugal
Finland	Roumania
France	Saudi Arabia
Federal Republic of Germany	Spain
Greece	Sweden
Iceland	Ukrainian Soviet Socialist
India	Republic
Ireland	Union of Soviet Socialist
Italy	Republics
Ivory Coast	United Arab Republic
Japan	United Kingdom
Korea	United States of America
Kuwait	Yugoslavia
Lebanon	

4. The Governments of the following countries had Observers at the Conference:

Argentina	Federation of Malaya
Burma	New Zealand
Ecuador	South Africa
Holy See	Sudan
Indonesia	Switzerland
Iraq	Thailand
Israel	Turkey

5. The following Specialized Agencies of the United Nations appointed an Observer to the Conference:

Food and Agriculture Organization
United Nations Educational Scientific and Cultural Organization

6. The following Inter-Governmental Organizations appointed Observers to the Conference:

Council of Europe
Organization for Economic Co-operation and Development

7. The following Non-Governmental Organizations appointed Observers to the Conference:

International Chamber of Commerce
International Chamber of Shipping
International Shipping Federation Ltd.
International Union of Official Travel Organizations

8. The Conference elected Sir Gilmour Jenkins, Head of the United Kingdom Delegation, as President of the Conference.

9. The Conference elected as Vice-Presidents, Mr. Gilbert Grandval, Head of the French Delegation, Admiral A. C. Richmond, Head of the United States Delegation, and Mr. E. F. Roudoi, Head of the Delegation of the Union of Soviet Socialist Republics.

10. The Inter-Governmental Maritime Consultative Organization provided the Secretariat of the Conference, headed by the Acting Secretary-General, Mr. William Graham, Mr. Hans Robdrup, Head of the Miscellaneous Technical Questions Section of the Secretariat, was appointed Executive Secretary of the Conference.

11. The following Committees were established:

General Committee

Chairman: Mr. Alan Cumyn (Canada)
Vice-Chairman: Mr. Helge Juul (Denmark)

Committee on Ships

Chairman: Captain C. Moolenburgh (Netherlands)
Vice-Chairman: Captain H. D. Harries (Federal Republic of Germany)

Committee on Legal and Administrative Matters

Chairman: Mr. Modolv Hareide (Norway)
Vice-Chairman: Mr. Albert Raspi (France)

Committee on Technical Questions

Chairman: Dr. C. C. Hall (United Kingdom)
Vice-Chairman: Mr. G. R. Lindhardsen (Denmark)

Drafting Committee

Chairman: Mr. D. C. Haselgrove (United Kingdom)

Credentials Committee

Chairman: Baron de Gerlache de Gomery (Belgium)

12. The Inter-Governmental Maritime Consultative Organization in convening the Conference referred to it the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, with Annexes, together with the eight Resolutions which were appended as an Annex to the Final Act of the International Conference on Pollution of the Sea by Oil, 1954. These, together with the comments of Governments concerning them, constituted a basis for discussion by the Conference.

13. On the basis of its deliberations, as recorded in the summary records and reports of the Committees and in the records of the Plenary Sessions, the Conference prepared the texts of proposed amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and these were presented to a Conference, convened in accordance with paragraph 3(a) of Article XVI of that Convention at the request of six Contracting Governments, with an invitation that they be adopted.

14. A list of the amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, is appended as Annex I to this Final Act.

15. On 11 April 1962, the Conference Contracting Governments to the 1954 Convention, in accordance with paragraph 3(b) of Article XVI of that Convention, adopted the proposed amendments and agreed to recommend that they be accepted by Contracting Governments at the earliest practicable date. The present Conference, having been informed of the decisions of the Conference of Contracting Governments, decided to urge all Governments invited to the present Conference which are not Contracting Governments to the 1954 Convention either to become parties to that Convention or to become parties to that Convention as amended as soon as possible after the amendments agreed upon by the present Conference have come into force.

16. The Conference adopted fifteen Resolutions which are submitted to the Governments and other Bodies concerned for consideration and appropriate action. These Resolutions are appended as Annex II to this Final Act and relate to:

- (1) The complete avoidance as soon as practicable of discharge of persistent oils into the sea
- (2) Encouragement of accessions to the Convention
- (3) Interim measures pending the coming into force of the Convention
- (4) The discharge of oily mixtures from tankers
- (5) Tankers with oil residues on board passing through canals
- (6) The provision of facilities for the reception of oil residues at oil loading and other bulk loading terminals
- (7) Discharge of oil or oily mixture from ships other than tankers
- (8) The encouragement of development and installation of efficient oily water separators for use in ships and preparation

of an international performance specification for such separators
 (9) Collection of spent lubricating oil
 (10) Diesel oil supplied to ships
 (11) The preparation of manuals of guidance for the avoidance of oil pollution

(12) The need for research on prevention of oil pollution

(13) Co-ordination of research

(14) The creation of national committees on oil pollution

(15) Reports by the Inter-Governmental Maritime Consultative Organization.

In witness whereof, the Representatives have signed this Final Act.

Done at London this thirteenth day of April, One thousand nine hundred and sixty-two, in a single copy in the English, French, Russian and Spanish languages.

The original texts of this Final Act shall be deposited with the Inter-Governmental Maritime Consultative Organization which shall send a certified copy of this instrument to each of the Governments invited to be represented at the Conference.

* * * * *

(Here follows the text of proposed amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, see *ante*, p. 94.)

RESOLUTION 1

THE COMPLETE AVOIDANCE AS SOON AS PRACTICABLE OF DISCHARGE OF PERSISTENT OILS INTO THE SEA

The International Conference on Prevention of Pollution of the Sea by Oil, 1962,

RESOLVE as follows:

The Conference have noted that the coasts and coastal waters of many countries are seriously affected by oil pollution, the results of which include great damage to coasts and beaches and consequent hindrance to healthful recreation and interference with the tourist industry, the death and destruction of birds and other wild life, and probable adverse effects on fish and the marine organisms on which they feed. There is widespread public concern in many countries about the extent and the growth of this problem.

The pollution is caused by persistent oils, that is to say, crude oil, fuel oil, heavy diesel oil and lubricating oil. While there is not conclusive evidence that these oils persist indefinitely on the surface of the sea, they remain for very long periods of time and are capable of being carried very considerable distances by surface drifts caused by winds and currents and of building up into deposits on the sea-shore. Very large quantities of persistent oils are regularly discharged into the sea by tankers as a result of the washing of their tanks and the disposal of their oily ballast water.

Dry cargo ships which habitually use their fuel tanks for ballast water also discharge oily ballast water into the sea and this also gives rise to pollution. It is practicable for tankers to adopt a procedure whereby their oily residues can be retained on board and discharged into reception facilities at oil loading ports or repair ports.

Pollution resulting from the discharge of ballast water from dry cargo ships can be reduced or prevented by the installation of efficient oily water separators or other means, such as the provision in ports of adequate reception facilities for oil residues.

The only entirely effective method known of preventing oil pollution is the complete avoidance of the discharge of persistent oils into the sea and, as stated above, measures are possible which would enable this to be substantially achieved.

While the Conference have come to the conclusion that a date cannot be fixed at the present time by which there should be complete avoidance of the discharge of persistent oils into the sea, they consider that complete avoidance of the discharge of these persistent oils should, with certain necessary exceptions, be observed from the earliest practicable date and strongly urge all Governments and other bodies concerned to use their best endeavours to create the conditions upon which the observance of such a prohibition necessarily depends by securing the provision of adequate facilities in their ports and the necessary arrangements in ships.

RESOLUTION 2

ENCOURAGEMENT OF ACCESSIONS TO THE CONVENTION

The International Conference on Prevention of Pollution of the Sea by Oil, 1962,

RECOGNIZING that acceptance and conscientious observance of measures to prevent or control oil pollution by the great majority of ships operating in a given region will be essential in order to effect significant improvement in the oil pollution situation;

RECOGNIZING that prevention of pollution of the seas by oil requires broad international co-operation, including the provision at ports at which ships habitually call of facilities enabling ships to dispose of oily wastes;

BELIEVING that it should be the responsibility of Governments having sea coasts or having sea-going ships under their flag to keep the seas and beaches clean from oil pollution for the enjoyment of the public and to promote the preservation of the world's wildlife and fish resources;

RESOLVE

(1) that the Contracting Governments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, should accept the amendments to the Conventions agreed upon by the present Conference at the earliest possible date;

(2) that the Inter-Governmental Maritime Consultative Organization should be asked to call to the attention of its members and of other members of the United Nations or of any of the

Specialized Agencies or Parties to the Statute of the International Court of Justice, which are not members of the Organization and which have not become parties to the Convention the need for their co-operation in the international efforts to that end and invite them to become parties to the Convention;

(3) that to the extent to which it is able the Organization should upon request furnish information and advice to the Governments which have not become parties to the Convention with a view to facilitating their acceptance of the Convention.

RESOLUTION 3

INTERIM MEASURES PENDING THE COMING INTO FORCE OF THE CONVENTION

The International Convention on Prevention of Pollution of the Sea by Oil, 1962,

RESOLVE

That pending the Convention coming into force with regard to any Government which has deposited its acceptance or signed the Convention without reservation as to acceptance, such Government should take immediate steps, whether by legislation or otherwise, to secure:

(a) the making of arrangements where necessary in ships to prevent the escape of fuel oil and heavy diesel oil, as defined in the Convention, into bilges the contents of which are discharged into the sea without being passed through an oily water separator;

(b) the increased provision of facilities in their ports for the reception of oil residues, where such facilities are at present inadequate;

(c) the following so far as may be reasonable and practicable of the other principles of the Convention.

RESOLUTION 4

THE DISCHARGE OF OILY MIXTURES FROM TANKERS

The International Conference on Prevention of Pollution of the Sea by Oil, 1962,

RESOLVE

(1) that in addition to observing the requirements of the present Convention, all tankers should, wherever it is reasonably practicable to do so, avoid altogether the discharge into the sea of oily mixtures and should retain them on board for discharge into shore reception facilities;

(2) that the terms of this Resolution should be specially brought by Contracting Governments to the attention of owners and masters of tankers, oil companies, port authorities and ship repairers.

RESOLUTION 5

TANKERS WITH OIL RESIDUES ON BOARD PASSING THROUGH CANALS

The International Conference on Prevention of Pollution of the Sea by Oil, 1962,

RESOLVE

That, in order to facilitate the observance by tankers of the provisions of the present Convention, the Governments of countries responsible for canals which connect international seas be requested to invite the competent canal authorities to accept that tankers with oil residues on board, where these have been collected into one or more tanks, should be accorded ballast status during passage and that tankers in such condition may nevertheless be treated in the same way as tankers which have cleansed and scoured all their tanks.

RESOLUTION 6

THE PROVISION OF FACILITIES FOR THE RECEPTION OF OIL RESIDUES AT OIL LOADING AND OTHER BULK LOADING TERMINALS

The International Conference on Prevention of Pollution of the Sea by Oil, 1962,

RESOLVE

(1) that for the avoidance of oil pollution of the sea the provision of facilities for the reception of oil residues from tankers at oil and other bulk loading terminals is most important;

(2) that such facilities, where they still do not exist, should now be provided as a matter of urgency by those organizations which have it within their means to provide them or to secure or promote their provision;

(3) that consideration should be given in this connexion to the special problems arising in the case of submarine oil loading terminals;

(4) that progress in this matter should be kept under review by the Inter-Governmental Maritime Consultative Organization through its competent bodies and information should be obtained and published annually on the progress being made in providing the facilities.

RESOLUTION 7

DISCHARGE OF OIL OR OILY MIXTURE FROM SHIPS OTHER THAN TANKERS

WHEREAS the Conference has decided that the provisions of Article III(b) of the present Convention which prohibit the discharge of oil or oily mixture within any of the prohibited zones shall not apply to ships other than tankers for a period of three years after the date on which the Convention comes into force for the relevant territory,

The International Conference on Prevention of Pollution of the Sea by Oil, 1962,

STRONGLY URGES Governments which accede to the Convention in the future to take steps to prevent ships other than tankers from

discharging oil or oily mixture within the prohibited zones when proceeding to a port where facilities for the reception of oily residues exist.

RESOLUTION 8

THE ENCOURAGEMENT OF DEVELOPMENT AND INSTALLATION OF EFFICIENT OILY WATER SEPARATORS FOR USE IN SHIPS AND THE PREPARATION OF AN INTERNATIONAL PERFORMANCE SPECIFICATION FOR SUCH SEPARATORS

The International Conference on Prevention of Pollution of the Sea by Oil, 1962,

RESOLVE

(1) that Governments which accept the present Convention should encourage the development of efficient oily water separators and their installation in ships, and should lay down a performance specification for oily water separators;

(2) that Governments should furnish to the Inter-Governmental Maritime Consultative Organization full information about progress in these matters which the Organization should collate and co-ordinate and on the basis of which the Organization should initiate appropriate studies with the object of producing a suitable international performance specification for oily water separators; and

(3) that such a standard of performance should include the following general requirements:

(a) the oil content of the discharged water must be below the limit for oily mixtures as defined in the present Convention;

(b) the separator must be capable of dealing effectively at the rated capacity with any mixtures of persistent oil and water which would normally require treatment in ships;

(c) the separator must function effectively under all conditions normally encountered in ships at sea;

(d) the separator should be fully automatic in operation; and

(e) separators intended for installation in ships should be type tested to a standard not less than that internationally prescribed, and should be approved by the Government concerned.

RESOLUTION 9

COLLECTION OF SPENT LUBRICATING OIL

The International Conference on Prevention of Pollution of the Sea by Oil, 1962,

RESOLVE

That Governments should, where necessary and appropriate, promote measures, including administrative and fiscal measures, to facilitate the collection of spent lubricating oil, resulting from drainage from ships' engines, in ports which are not equipped with adequate reception facilities.

RESOLUTION 10

DIESEL OIL SUPPLIED TO SHIPS

The International Conference on Prevention of Pollution of the Sea by Oil, 1962,

RESOLVE

That each Contracting Government should ensure that, when diesel oil is supplied to a ship in any of its territories within which the present Convention is in force, the delivery documents should state whether or not the said oil is "heavy diesel oil" as defined in Article I of the Convention.

RESOLUTION 11

THE PREPARATION OF MANUALS OF GUIDANCE FOR THE AVOIDANCE OF OIL POLLUTION

The International Conference on Prevention of Pollution of the Sea by Oil, 1962,

RESOLVE

(1) that Governments should encourage the distribution of an explanatory manual or manuals for the guidance of those serving in ships registered in their territories and of shore personnel who are engaged in the transfer of oil to and from ships. These manuals should set out the steps which are necessary for the avoidance of pollution of the sea by oil, including those required to enable ships to comply with the provisions of the present Convention;

(2) that, in cases where a sufficient supply of manuals meeting those criteria is not otherwise obtainable for ships and shore personnel, Governments should arrange for the preparation, publication and distribution of such a manual. Copies of manuals so prepared should be sent to the Inter-Governmental Maritime Consultative Organization to be kept on file, and when ships and shore personnel are using a manual prepared for use primarily for ships and shore personnel of another country, the Organization should be so informed;

(3) that Governments should ensure that the syllabuses of examinations for Certificates of Competency for Navigating and Engineer Officers cover the practices and the use of equipment by which pollution of the sea can be avoided.

RESOLUTION 12

THE NEED FOR RESEARCH ON PREVENTION OF OIL POLLUTION

The International Conference on Prevention of Pollution of the Sea by Oil, 1962,

HAVING NOTED the information available on the research and technical development work carried out by many countries,

RESOLVE

(1) that research should continue on many aspects of the prevention of oil pollution of the sea, and specifically on the following subjects:

(a) Oily water separators for use in ships.

There does not yet exist a separator, simple and compact enough for use in ships, that will deal effectively with any mixtures of persistent oil and water likely to be encountered on board ship including, particularly, mixtures containing oil of specific gravity very close to that of fresh or sea water.

(b) Devices or measures, other than oily water separators, designed to prevent pollution of the sea by the discharge from ships of persistent oil or oily mixtures.

(c) Methods for the confinement of oil and its removal from the surface of the sea.

Methods based on powders which are used to sink the oil are not viewed with favour on the grounds that such methods are of doubtful practicability and permanence and can cause undesirable fouling of the sea bed. Methods based on emulsifiers have the disadvantage that such agents may be toxic to marine flora and fauna. Certain mechanical methods show great promise for use in calm waters, but are of doubtful value on the open sea.

(d) The development of a device to detect, measure and record the oil content of discharges from ships.

(e) The effects of persistent oils on marine flora and fauna and the role of micro-organisms in destroying such oils.

(2) that the results of research on the above and allied subjects (including but not limited to technical information concerning research and experiments, including shipboard research with respect to anti-pollution measures or devices) should be transmitted annually by the Government concerned to the Inter-Governmental Maritime Consultative Organization for collation and transmission to all Contracting Governments, and that technical matters involving research should be referred to the technical experts of the Contracting Governments.

RESOLUTION 13

CO-ORDINATION OF RESEARCH

The International Conference on Prevention of Pollution of the Sea by Oil, 1962,

RESOLVE

(1) that Contracting Governments should furnish the Inter-Governmental Maritime Consultative Organization with information about the research which they are undertaking into the ways in which oil pollution may be avoided and with information about the development of effective measures to deal with oil pollution when it occurs, including its removal from beaches;

(2) that the Organization should keep in touch with these matters and should analyse and disseminate the information received by it on these subjects;

(3) that, in order to facilitate this work, the Organization should establish a panel of technical experts, to be nominated by interested Contracting Governments, on whom the Organization could call for the purpose of advising it on these matters as the need arises.

RESOLUTION 14

THE CREATION OF NATIONAL COMMITTEES ON OIL POLLUTION

The International Conference on Prevention of Pollution of the Sea by Oil, 1962,

RESOLVE

That Governments which have not yet done so should create national committees to keep the problem of oil pollution under review and recommend practical measures for its prevention, including encouragement of the carrying out of any necessary research.

RESOLUTION 15

REPORT BY THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

The International Conference on Prevention of Pollution of the Sea by Oil, 1962,

RECOGNIZING the value of a full and free exchange of information between Contracting Governments,

RESOLVE

That the Inter-Governmental Maritime Consultative Organization should from time to time produce Reports for which the Contracting Governments should contribute information, as to the incidence of oil pollution, the effectiveness of the present Convention, the adequacy of the system of prohibited zones, progress in the provision of reception facilities in ports, the number of successful and unsuccessful prosecutions for contraventions of the Convention and of national legislation for the prevention of pollution, and similar matters.

I hereby certify that the foregoing text is a true copy of the Final Act of the International Conference on Prevention of Pollution of the Sea by Oil, 1962, and of the Annexes thereto, done at London on 13 April 1962, the original of which is deposited with the Inter-Governmental Maritime Consultative Organization.

The Secretary-General
[S] W. GRAHAM

IMCO, LONDON, 1 August 1962.

REPORT OF THE UNITED STATES DELEGATION TO THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION CONFERENCE FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, LONDON, ENGLAND, MARCH 26-APRIL 13, 1962

(Submitted to the Secretary of State by Alfred C. Richmond, Admiral, U.S.C.G., Chairman of the Delegation, April 13, 1962. Prepared by David H. Ernst. Reviewed by the Delegation)

1. BACKGROUND

The International Conference on Prevention of Pollution of the Sea by Oil, held in London March 26-April 13, 1962, was the latest of a number of multilateral attempts dating from the 1920's to deal with this pollution which is progressively despoiling the beaches and de-

stroying important amounts of marine and bird life in many inhabited parts of the world. As the quantities of ocean-transported petroleum products have increased over the years, so have the amounts of oil discharged into the sea by ships when washing their tanks and disposing of their oily ballast water. While not the sole source of pollution, these discharges are by far the principal one. Recent estimates indicate that world shipping is discharging waste oil into the sea at the rate of about one million tons per year. During the period 1959-1965 it had been estimated that both the tonnage of petroleum moving by sea and the tonnage of the world fleet of all kinds of ships will increase about 45 percent.

International efforts since World War I to control and prevent oil pollution had culminated in the International Convention for the Prevention of Pollution of the Sea by Oil of 1954. Those efforts included the enactment of various national statutes, such as the United States Oil Pollution Act of 1924 (which applies to territorial waters), a Conference of Major Maritime Nations in Washington in 1926 to consider oil pollution, and study by the League of Nations and later the United Nations. In 1953 the Economic and Social Council of the United Nations resolved to establish a group of experts to correlate available material on the subject. However, this was deferred when the United Kingdom, its shores among those most heavily suffering from oil pollution, decided to issue invitations to attend a diplomatic conference in London early in 1954.

Together with 41 other countries, the United States participated in the work of the 1954 Conference. However, having but a relatively short period to prepare between the receipt of the invitation and the opening of the Conference itself, its position therein was largely to support points on which there was general agreement. Thus, the United States delegation supported informal cooperative measures which would focus attention on oil pollution but avoided binding commitment on specific means of controlling or avoiding it. The delegation favored mutual exchange of information on location of polluted areas and probable causes, and on educational activities such as issuance of instruction manuals, warning posters, and other literature designed to train personnel in the prevention of oil pollution stemming from human failure or error. It also favored the establishment of National Committees in each of the interested countries for the purpose of keeping the problem under review and encouraging research. Some provisions of this nature were embodied in the Final Act of the 1954 Conference. Also, the Conference rejected most of the concepts considered by the United States to be extreme. Thus, proposals for absolute prohibition against discharge of oil into the sea were moderated and a general requirement that oily water separators be installed on dry cargo and passenger vessels was not made.

The 1954 Convention entered into force on July 26, 1958, a date which was, in accordance with Article XV, twelve months after ten governments had become parties, including five governments of countries each with not less than 500,000 gross tons of tanker tonnage. At the time of the 1962 Conference acceptances of the 1954 Convention totalled seventeen.

The 1954 Convention was generally regarded as tentative and the Conference adopting it recommended that a review conference be held

within three years. Delay of the entry into force of the 1954 Convention, matters relating to the transfer of the "Bureau Power" responsibilities from the United Kingdom to the Intergovernmental Maritime Consultative Organization, and the initiation of desired preparatory activities for the Conference by IMCO, resulted, however, in a review Conference not being held until 1962.

The United States did not accept the 1954 Convention until 1961. The Convention was considered not to provide means for effectively enforcing anti-pollution measures and, in their absence, it was believed best for both government and industry to continue to strive to achieve solution to the pollution problem through cooperative efforts. Acceptance of the Convention and the prescription of detailed regulations might, it was believed, eventually result in a lessening of interest in voluntary cooperation, owing to the feeling that the government had assumed the major responsibility for the prevention of pollution outside territorial waters but within the fifty-mile zone, that being the zone in which discharge was prohibited by the Convention. Further, Article VIII constituted an important difficulty in the way of U.S. acceptance in that it would obligate the Federal Government to *insure* oil reception facilities at United States ports, whereas the provision of such facilities is not a junction of the Federal Government.

Subsequently, however, the United States attitude altered in favor of acceptance. This was, principally, the result of intensive study given the Convention by the United States National Committee for the Prevention of Pollution of the Seas by Oil, created in 1956 and comprised of representatives of the Departments of State, Commerce (Maritime Administration, and Bureau of Standards), Defense, Interior and Treasury (United States Coast Guard). In 1959 this group with its advisors recommended acceptance with certain reservations and understandings. Also, a report of the industry Oil Pollution Panel to the Merchant Marine Council of the U.S. Coast Guard on the subject had earlier recommended that the affected industries not oppose a determination by the Government of the United States that it accept the Convention subject to certain reservations.

Both the National Committee and the Oil Pollution Panel drew attention to shortcomings in the 1954 Convention and to the importance to the United States of its participating in the Conference to review and amend the instrument. It was considered that as a party to the Convention the United States would fully demonstrate its willingness to work with other Governments toward a solution of the problem. Further, it was anticipated that an improved Convention would secure the broader acceptance so essential to the success of any international efforts to control oil pollution. Accordingly, the United States ratified the 1954 Convention and, through its National Committee working over a period of two years, prepared proposals for the amendment of the Convention. These were recommended to the Secretary of State who accepted them and instructed that they be advanced by the United States Delegation to the 1962 Conference. Also, the United States had exerted some pressure on other countries to bring about an early conference to make the convention more effective. There had been some inclination by participating governments to let the matter drift. The United States sought to rid itself of its

reservation and to set up more effective machinery upon which to develop progress.

The basic approach to this pollution control problem used by the architects of the 1954 Convention was to work toward a situation in which discharges causing pollution would be totally prohibited. They believed that the discharge of persistent oil, no matter how limited the quantity, should be avoided if possible since once in the sea it is bound to damage beaches and/or bird and marine life sooner or later in some parts of the world.

The key to prohibition was believed to be adequate availability of suitable facilities in ports at which ships could without delay relieve themselves of their unwanted oily mixtures thus avoiding an unacceptable economic penalty upon the ship operator. However, in the face of the absence of such facilities in many ports the 1954 Convention sought, through establishment of a number of prohibited zones, to reduce pollution in those sea areas where, because of wind and current, it was believed that maximum harm to beaches, bird and marine life would result. Aside from a number of particular prohibited zones, it was agreed that all waters extending 50 miles from any land area be prohibited areas. At the same time the Conference sought through Article VIII to bring about the installation of reception facilities in ports and oil loading terminals at which they were needed but were lacking. A second approach concerned the ship-board installation of equipment, such as oily water separators, to render discharges innocuous from the sea pollution standpoint. This was carefully considered, but no requirements were established in the Convention itself in the absence of the development of suitable equipment. Supplementing the operative provisions setting out the zones and reception facilities control system, and the exceptions to it considered necessary, were others dealing with enforcement and penalties.

Meaningful agreement, both nationally and internationally, to lines of action to prevent oil pollution of the sea must depend upon a satisfactory compromise among the major interests affected, and, of course, the development of effective devices and techniques to prevent pollution. These interests involve those desiring oil free beaches for recreational reasons, the fishing industry, and the conservation societies. They also very importantly involve the shipowners many of whom operate under keen competitive conditions and to whom a delay in port to discharge their oil residues constitutes an economic penalty not experienced by discharging these at sea. In its proposals for strengthening the 1954 Convention the United States sought progress toward oil pollution control to the fullest extent considered realistic in the light of the various interests involved. Considerably less than half of the nations participating in the 1954 Conference accepted the Convention it produced. Between 1954 and 1962 world shipping had increased from 91 million gross tons to 136 million gross tons; of this tanker tonnage had increased from 25 million to 44 million. At the end of 1961 the shipping of the 16 nations then signatory to the 1954 Convention accounted for about two-thirds of the total tonnage, but only some 60 percent of tanker tonnage—thus leaving a very important number of ships free to pollute the sea outside of territorial waters without restriction.

The United States proposals were designed, therefore, to achieve a more broadly accepted Convention. They would continue the same basic approach as used in the 1954 Convention and strengthen it by amendment:

(1) to encourage each Contracting Government to impose penalties of such amount and severity as to discourage repetition of an offense and to require full reports of enforcement actions to the Intergovernmental Maritime Consultative Organization;

(2) to bring warships within the general prohibitions of the Convention but with control and enforcement to be left to regulation of each Government with respect to its own vessels;

(3) to extend the prohibition of the Convention to cover pumping overboard of bilge waters containing lubricating oil;

(4) to require that reports of violations, penalties assessed, incidence of pollution, nonavailability of shore facilities for the discharge of oily wastes, and results of technical research for prevention of pollution be made available to the IMCO for study by experts in efforts to minimize the pollution problem;

(5) to revise procedure for amendment of the Convention to permit the United States sufficient time to follow constitutional procedures for ratification and otherwise relate the amendment procedure to that advocated by the United States and adopted with respect to the 1960 Safety of Life at Sea Convention;

(6) to permit extension of prohibited zones beyond present limits on showing of need for further protection by Governments concerned, including a 100 mile zone to protect the New England coast of the United States;

(7) to encourage the exchange of technical information to further research for the prevention of the pollution of the seas, and to further the development of a suitable oily water separator pursuant to an international performance specification; and

(8) to promote general acceptance of the philosophy that exemptions to the prohibition of pollution be removed wherever possible with the result that all ships would be treated alike.

While seeking such revisions the United States sought that the amended Convention be prepared so as to enable its acceptance by many more nations with the result that a substantially larger percentage of ships, especially tankers, would in the future be operated under the requirement to practice the internationally agreed pollution control measures.

2. AGENDA AND LOCATION

To facilitate the preparation of an agenda and to permit preliminary exchanges of views the Secretary General of IMCO established a Working Group of Experts in 1959 which held several meetings well in advance of the Conference. Mr. John W. Mann, Shipping Division of the Department of State, represented the United States in that group. In addition, the Secretary General proposed that interested nations submit their proposals for amendment of the 1954 Convention. This was done and the IMCO Secretariat, after collating

and assembling the proposals, published them in a useful Conference document enabling participants to examine each proposal and the argumentation for it in relation to the text of the 1954 Convention article concerned. Aside from the procedural and Conference organizational items, consideration of this document (OP/CONF/3) formed the agenda of the 1962 Conference.

All Conference sessions and committee meetings were held in various rooms in Church House, Westminster, London, S.W.1. The Conference opened on March 26, 1962 and completed its work on April 13, 1962. Meetings were conducted in four working languages: English, French, Spanish and Russian. Documentation was in English and French.

3. PARTICIPATION

(a) The following countries were represented by official delegations. The size of the delegation is also indicated.

Australia.....	3
Belgium.....	5
Brazil.....	4
Bulgaria.....	3
Canada.....	3
China.....	2
Colombia.....	2
Denmark.....	9
Dominican Republic.....	1
Federal Republic of Germany.....	12
Finland.....	5
France.....	15
Greece.....	9
Iceland.....	1
India.....	1
Ireland.....	3
Italy.....	19
Ivory Coast.....	2
Japan.....	4
Korea.....	2
Kuwait.....	7
Lebanon.....	1
Liberia.....	7
Madagascar.....	3
Monaco.....	2
Netherlands.....	9
Norway.....	10
Panama.....	2
Peru.....	1
Poland.....	4
Portugal.....	3
Rumania.....	3
Saudi Arabia.....	2
Spain.....	3
Sweden.....	5
Ukrainian Soviet Social Republic.....	1
Union of Soviet Socialist Republics.....	3
United Arab Republic.....	8
United Kingdom.....	36
United States.....	16
Yugoslavia.....	4

(b) The following delegations presented credentials appointing them as observers:

Argentina	3
Burma	1
Ecuador	1
Holy See	1
Indonesia	1
Iraq	1
Israel	1
Federation of Malaya	1
New Zealand	1
Union of South Africa	1
Sudan	2
Switzerland	1
Thailand	1
Turkey	1

(c) The following international organizations were represented by observers:

Food and Agriculture Organization	1
United Nations Educational, Scientific and Cultural Organization	1
Council of Europe	1
Organization for Economic Co-operation and Development	1

(d) The following non-governmental international organizations were represented as observers:

International Chamber of Commerce	1
International Chamber of Shipping	1
International Shipping Federation Limited	1
International Union of Official Travel Organizations	1

With the exception of Mexico all of the 17 Contracting Parties to the 1954 Convention on the Prevention of the Pollution of the Sea by Oil participated in the Conference.

There were no representatives, official or unofficial, from regimes not recognized by the United States.

4. UNITED STATES DELEGATION

The accredited delegation was as follows:

Delegate

Alfred C. Richmond, Admiral, U.S.C.G., The Commandant,
United States Coast Guard, Department of the Treasury.

Alternate Delegate

John W. Mann, Shipping Division, Department of State.

Advisers

William G. Allen, Chief, Division of Operations, Office of Ship
Operations, Maritime Administration, Department of Com-
merce.

Carl Bucheister, Ph. D., President, National Audubon Society,
New York, N.Y.

Ben H. Davis, Office of the Legal Adviser, Department of State.

David H. Ernst, Ph. D., Assistant Chief, Shipping Division, De-
partment of State.

Mark S. Gurnee, Chief, Operations Division, Civil Works, Corps
of Engineers, Department of the Army.

George R. Jacobs, First Secretary, American Embassy, London.
 William Kesler, Jr., Lt. Commander, U.S.C.G., United States
 Coast Guard, Department of the Treasury.

Archibald McComb, Captain, U.S.C.G., United States Coast
 Guard, Department of the Treasury.

O. Lloyd Meehan, Ph. D., Director, Office of Program Review,
 Department of the Interior.

James Moss, Consultant, American Petroleum Institute, Wash-
 ington, D.C.

H. S. Shephard, Admiral, U.S.C.G. (Ret), Consultant, American
 Merchant Marine Institute, Washington, D.C.

Irvin J. Stephens, Rear Admiral, U.S.C.G., Office of Merchant
 Marine Safety, United States Coast Guard, Department of
 Treasury.

Congressional Adviser

The Honorable E. L. Bartlett, United States Senate.

Secretary of Delegation

Andrew F. Antippas, Office of International Conferences, De-
 partment of State.

In addition, Captain Albert J. Carpenter, U.S.C.G., and Mr. Lester
 Giles, President of the Humane Society of Missouri, observed a num-
 ber of the Conference meetings.

5. ORGANIZATION OF THE CONFERENCE

(a) The principal officers of the Conference were as follows:

President.....	Sir T. Gilmour Jenkins (United Kingdom)
First Vice President.....	Admiral A. C. Richmond (United States)
Second Vice President.....	Mr. E. F. Roudot (U.S.S.R.)
Third Vice President.....	Mr. Gilbert Grandval (France)
Secretary General.....	Mr. William Graham (IMCO)
Executive Secretary.....	Mr. H. Robdrup (IMCO)

Committee Chairmen

General Committee

Chairman.....	Mr. Alan Cumyn (Canada)
Vice Chairman.....	Mr. H. Juul (Denmark)

Ships Committee

Chairman.....	Captain C. Moolenburgh (Netherlands)
Vice Chairman.....	Captain H. Harries (Germany)

Technical Committee

Chairman.....	Mr. C. C. Hall (United Kingdom)
Vice Chairman.....	Mr. G. Lindhardsen (Denmark)

Legal and Administrative Matters Committee

Chairman.....	Mr. Modolv Hareide (Norway)
Vice Chairman.....	Mr. A. Raspi (France)

In addition to the substantive Committees listed above, the follow-
 ing Committees were formed and Chairmen elected:

Credentials Committee

Baron R. de Gerlache de Gomery (Belgium).

(This Committee consisted of Australia, Belgium, Ireland, Poland
 and the United States.)

Drafting Committee

Mr. D. C. Haselgrove (United Kingdom).

(This Committee consisted of Argentina, France, Norway, Union of Soviet Socialist Republics, United Kingdom and the United States.)

Members of the United States Delegation served in keeping with the following Committee assignments:

General Committee

Admiral A. C. Richmond.

The Honorable H. L. Bartlett.

Mr. John W. Mann.

Mr. George L. Jacobs.

Mr. Carl Bucheister.

Ship Committee

Mr. O. Lloyd Meehan (U.S. Chairman).

Real Admiral Irvin J. Stephens, U.S.C.G.

Admiral H. S. Shephard, U.S.C.G. (Ret.).

Technical Committee

Mr. William G. Allen (U.S. Chairman).

Captain Archibald McComb, U.S.C.G.

Mr. James Moss

Legal and Administrative Committee

Mr. Mark S. Gurnee (U.S. Chairman).

Mr. Ben H. Davis.

Lt. Commander William Kesler, Jr., U.S.C.G.

Credentials Committee

Mr. David H. Ernst.

Drafting Committee

Mr. Ben. H. Davis.

Lt. Commander William Kesler, Jr., U.S.C.G.

Delegation Conference Report

Mr. David H. Ernst.

6. WORK OF THE COMMITTEES

The Conference met in accordance with the invitation of the Intergovernmental Maritime Consultative Organization to consider proposals for amendment of the 1954 Convention. Accordingly, the General Committee followed a basic procedure of portioning out among the three substantive working committees the various Articles and Annexes of the 1954 Convention, and Resolutions of the 1954 Conference, together with proposals which had been submitted for their amendment.

During the early days of the Conference a formal decision was made in the General Committee and confirmed in a Plenary Session that the instrument to be produced would be a Final Act containing proposed amendments to the 1954 Convention agreed upon by the Conference, rather than a new convention. It was considered that

the former course would enable more prompt effectuation of those amendments by the Contracting Parties to the 1954 Convention. Indeed, in anticipation of this procedure, a separate conference of the Contracting Parties to the 1954 Convention had been called to meet on April 12, 1962 in order to approve, if possible, the amendments agreed upon by the IMCO Conference so that they might be promptly processed in accordance with applicable requirements both of the Convention and of individual national procedure. This Contracting Parties meeting took place on April 11, 1962 and the 14 members present (together with Liberia and Iceland participating as observers) unanimously adopted the agreed amendments for referral to their respective governments. They also took appropriate formal action to inform the 1962 Conference on the Prevention of Pollution of the Sea by Oil of this decision.

(a) *Ships Committee*

Of the Conference Committees that on Ships had the greatest workload. It considered the most substantive articles of the Convention and on its work largely depended the extent to which control of pollution of the sea by oil was to be strengthened. Thus it reviewed Article II (distinguishing ships covered and not covered by the Convention), a proposed Article IIA (complete prohibition by certain larger ships), Article III and Annex A (the general prohibition of discharge in certain zones and definition of the zones), a proposed Article IIIA (distinguishing between polluting and non-polluting oils and exempting a ship from violation when the master proved that the discharge was non-polluting, i.e., a non-persistent oil), Articles IV and V (exemptions to the general prohibition), a proposed new Article VI (inspection of outbound ships), Article VII (prevention of oil entry to bilges), Article VIII (provision of shore reception facilities for oil residues), Article IX and Annex B (content and use of ship's oil record books), and Annex C (Charts of Prohibited Zones). The Committee met 15 times and there were several long meetings of subgroups which it found necessary to create.

The Committee found agreement on a number of proposals which will increase oil pollution control by extending the scope of the Convention. At the strong urging of the United Kingdom and other Eastern Atlantic Nations, the tonnage limit of tankers to which the Convention applies was lowered from 500 to 150 tons gross tonnage. For ships other than tankers it was decided to retain the 500 tons gross tonnage lower limit, note being made that certain countries were taking steps to apply the provisions of the Convention as far as practicable to all ships of under 500 tons gross tonnage and also that in most cases small dry cargo ships use a type of oil not covered by the Convention and hence is presumably non-persistent. Further, an existing exemption freeing whaling ships from the obligations of the Convention was modified so as to apply only when those ships were actually engaging in whaling operations. Thus those ships would at other times be required to observe the prohibited zones as do other ships. Although there was considerable sentiment favoring it, the committee decided against the proposal to bring naval vessels within the scope of the Convention. This discussion indicated that many nations are by administrative arrangements already requiring

their naval vessels to practice anti-pollution measures. It was agreed that the Convention should be amended to state definitively that naval vessels, as well as the already-exempted "ships for the time being used as naval auxiliaries" were to be outside the scope of the Convention, but that the Contracting Governments should adopt appropriate measures to ensure the application of equivalent anti-pollution controls by those ships so far as is reasonable and practicable. The only other existing exemption, ships operating in the Great Lakes and St. Lawrence Seaway was only modified by the substitution of "St. Lambert Lock" for "Lachine Canal".

A United Kingdom proposed new Article IIA, requiring that every tanker of 20,000 gross tons or more, contracted for after the amendments agreed to at this Conference came into force, and all dry cargo ships of 20,000 tons or more, practice total avoidance of pollution of the sea by oil, was the most extensively considered proposal in the Ships Committee. Two working groups explored the matter extensively, with the United Kingdom and the United States Delegations submitting papers respectively supporting and challenging the technical practicability of the proposal under existing circumstances. Agreement in the Committee was finally found on the basis of an amendment to the proposal under which if, in the opinion of the master, special circumstances make it neither reasonable nor practicable to retain the oil or oily mixture on board, he may discharge it outside the prohibited zones. The effect of this qualification was conditioned by an additional requirement that the reason for the discharge was to be entered in the oil record book and reported to the government of registry who would in turn periodically report full details of such cases to IMCO. The agreed provision was ultimately made a part of Article III.

The basic mandate against polluting the sea in the prohibited zones was retained without comment in respect to tankers. In its application to dry cargo ships a number of countries not signatory to the 1954 Convention, particularly Australia, insisted strongly on their need to have a three year grace period to fit their ships to enable them to comply. The signatories to the 1954 Convention had themselves enjoyed this grace period. After considerable attention the Committee agreed to grant this period to future Contracting Parties. Accordingly, a nation's ships, other than tankers, may, for a period of three years after the Convention comes into force for that nation, pollute the sea anywhere (outside territorial waters) whether proceeding to a port with adequate oil residues reception facilities or not. Opponents to this had argued that since reception facilities are now generally available the three year period no longer has the importance or justification it had in 1954. The decision was reaffirmed, after being debated in the General Committee, mainly on the basis that the success of the whole Conference effort depended on producing an amended convention which the maximum number of nations could accept. However, in this connection, a new Resolution 7 concerning the discharge of oil or oily mixtures from ships other than tankers was made. It refers to this decision and strongly urges governments which accede to the Convention in the future to take steps to prevent ships other than tankers from discharging oil or oily mixture within the prohibited zones when proceeding to a port where facilities for the reception of oil residues exist.

The Ships Committee, after considering the proposed Article IIIA, decided not to adopt it on the basis that it was difficult to obtain acceptance of the principle of reversing the burden of proof implicit in the proposal. For the United States and a number of countries with similar legal systems it would not have been possible to accept a provision which would have placed the burden of proof on the accused.

The exemptions to the general pollution prohibition in Articles IV and V were continued with minor changes. A ship may now discharge oil in an action to secure the safety of another vessel, as well as itself.

A proposal which would authorize port authorities to inspect out-bound ships and interrogate the master concerning the nature of any oil or oily mixture aboard his ship and his intentions with regard to its discharge received little support and was not adopted. (Proposed as new Article VI).

In its consideration of Article VII the Committee agreed on a number of changes of uncertain significance to pollution control. The 1954 requirement that, after a twelve-month grace period, ships be so fitted so as to prevent oil pollution of bilges, was qualified by "so far as reasonable and practicable". The relief from the 1954 Convention requirement, i.e., when bilges were discharged into the sea through an oily water separator, was generalized to the requirement of "an effective means" of ensuring that oil in bilges is not discharged into the sea in contravention of the Convention. This change reflected the Technical Committee's determination that an appropriate oily water separator has yet to be developed. Further, it corrected any erroneous impression conveyed by the 1954 wording that oily water separators were required. The Committee also used Article VII to introduce the injunction: "Carrying water ballast in fuel oil tanks shall be avoided if possible".

Article VIII, dealing with the vital matter of facilities at ports for the reception of residues from oily ballast water and tank washings, received extended consideration requiring the creation of a working group. A number of European nations, led by France, sought continuation of the 1954 Convention mandate to governments to insure the provision of these facilities at certain ports. It was this mandatory element which necessitated the United States reservation in accepting the 1954 Convention, and Liberia in its acceptance, made during the Conference, reserved on this Article for the same reason. After a hard won decision to amend the Article so as to call upon governments to *promote* the provision of these facilities, the Committee successfully reconciled United States, United Kingdom and French drafts for further revision of the text. This strengthened it by the inclusion of reference to the provision of facilities for tankers at main oil loading terminals, and at ship repair ports for all ships. Further, the 1954 Convention requirement upon each state to submit information to the "Bureau" concerning reception facilities in its ports was altered to a provision whereby each Contracting Government is to report to IMCO, for transmission to the Contracting Government concerned, all cases where the facilities are alleged to be inadequate.

Article IX provides for the shipboard maintenance of oil record books to show details concerning all oil disposal activities which pol-

lute the sea. A number of modifications advanced by the United Kingdom and Norway were made which improve the usefulness of the keeping of this record as an anti-pollution measure.

On the key issue of prohibited zones, the Committee first faced the question, posed by proposals of a number of nations, of extending the general prohibited zone around land areas outward from 50 to 100 miles. This was carefully considered and a decision reached to proceed under a policy of avoiding changes in the existing zones unless fully justified, an approach confirmed by the General Committee. Thus proceeding, the Committee made a substantial number of changes most of which extended from 50 to 100 miles the prohibited zones off the countries concerned. Several nations, parties to the 1954 Convention, considered that non-contracting nations should not enjoy the benefits of extended zones until acceptance of the agreement, although the protection of the general 50-mile zone would still be accorded them whether or not they become parties to the Convention. This view was sustained with the result that zone enlargements in a number of areas, including the Mediterranean Sea, the Gulf of Suez, the Black Sea, and the Sea of Azov, the Arabian Sea and the Bay of Bengal, and off the Coast of Spain and Portugal take effect only when contiguous countries have accepted and are covered by the Convention. In particular reference to the Black Sea and the Sea of Azov the General Committee departed from the criteria set up by the Ships Committee on prohibited zones. These areas were closed in their entirety, and a requirement inserted that the U.S.S.R. and Roumania would provide facilities immediately upon ratification.

Finally, the Ships Committee reviewed a number of resolutions. It decided that the existing Resolution 4, dealing with reception facilities, should be deleted inasmuch as its substance was covered in Article VIII as proposed to be amended. It adopted four new Resolutions dealing, respectively, with: The provision of facilities for the reception of oil residues at oil loading and other bulk loading terminals, the collection of spent lubricating oil, the discharge of oily mixtures from tankers, and tankers with oil residues on board passing through canals.

(b) Technical Committee

The task of the Technical Committee was to review available material on research, chemical treatment and oily water separators, and to advise the General Committee on the practicability of laying down an international performance specification for separators, and on the need for long term research. It also was asked specifically to consider proposed amendments to Resolution 3, separators for ships, and to Resolution 7, the creation of National Committees on the Prevention of the Pollution of the Sea by Oil, of the 1954 Conference, including encouragement of the carrying out of any necessary research. The Committee met six times. Useful discussions were held on the research that has been carried out in many countries on separators and other antipollution devices, and more recent information was contributed by various delegations. With respect to separators, the Committee concluded that a suitable internationally agreed performance specification could be established, and that it would be appropriate for IMCO to set up an international panel of oil pollution experts to do this. This conclusion was ultimately embodied in a new

Resolution 8. At the same time, the Committee suggested a number of general requirements to be included in a performance specification.

For Resolution 7 the Committee readily agreed to an amended text continuing to encourage the establishment of National Committees in the individual nations as a central point for furthering national anti-pollution efforts. This appears as new Resolution 14. Finally, relative to the question of long term research, the Committee prepared a series of recommendations in connection with all known technical approaches to the oil pollution control problem. The amended Resolutions 3 and 7, these recommendations and the suggested performance specification for oily water separators were approved by the General Committee for inclusion as Resolutions of this Conference.

As part of its program members of the Technical Committee witnessed a demonstration of a type of oily water separator which had been designed and developed by the Warren Spring Laboratory of the Department of Scientific and Industrial Research of the United Kingdom for separation of oils with which British types of separators will have to deal. The Committee considered it promising, bearing in mind its use was restricted to oily mixtures of a specific gravity considerably below that of water. The Committee asked for and obtained the working plans and specifications for the type of separator demonstrated with the view to building one in the United States for testing on the oils usually found there.

(c) Legal and Administrative Committee

This Committee considered the provisions dealing with enforcement and reporting of offenses (Article X), fines and penalties (Article VI), functions of IMCO under the Convention and the procedural "treaty law" provisions such as those relating to signature, entry into force, amendment, disputes and denunciation.

The Committee moved quickly with a number of drafting changes designed to produce a better organized convention instrument, e.g., the deletion of Article III(3) in order to bring questions relating to contraventions together in a single article. Also, since IMCO has now assumed "Bureau" responsibilities, the word "Organization" was substituted for "Bureau", except in relation to duties performed in the past and so referred to in the Convention.

Article VI concerning penalties was clarified as to the law under which an offense would be punishable. Further, it was strengthened considerably in two aspects. One was through stipulation that the penalties imposed should be adequate in severity to discourage any repetition of the violation. The other was through insertion of a requirement that Contracting Governments report to IMCO, for inclusion in the IMCO Secretary General's annual report, the penalties actually imposed.

The Committee focused on the matter of oil record books (Article IX) in relation to their utility as evidence in enforcement proceedings. It agreed to expand the existing provisions to specify that these books, until filled, be kept on board ship in such a place that they are readily available for inspection at all reasonable times, and further, that they be retained for a period of two years after the last entry has been made. Article X, the basic enforcement provision, was considered adequate in substance as written in the 1954 Convention and thus underwent but slight drafting changes.

After considerable discussion, a proposed Article XA was adopted under which one government might request assistance of a second government through investigation and inspection of a ship registered in a third country. This proposal also received intense attention in the General Committee where it was firmly opposed by a minority including a number of Eastern European Delegations and that of Liberia. While the General Committee carried the proposal in a vote it was later withdrawn by its sponsors, the United Kingdom, as it had become evident that its inclusion could result in failure of a number of countries to accept the work of the Conference.

Articles XI (non-interference with domestic jurisdiction), XII (the provision of information and reports to IMCO), and XIII (compulsory jurisdiction of the International Court of Justice) were not altered. Considerable study was given to United States proposals designed to stimulate and develop more meaningful anti-pollution work in the IMCO framework and several efforts were made to alter those proposals to make them acceptable. However, the majority felt that the provisions of the proposals were not suitable for inclusion in the Convention, but might be considered as recommendations. These were ultimately embodied in Resolutions. Several participating nations, not parties to the 1954 Convention, including, particularly, a number of Eastern European and Near Eastern nations, strongly sought to remove the compulsory character of the disputes provision (Article XIII), preferring instead either an optional protocol or complete elimination of the Article. The Committee's vote against doing so was reaffirmed by vote both in the General Committee and in a Plenary Session following extensive debates on the question. Following the decision in the Plenary Session the President of the Conference made a short statement pointing out that nations could accept the Convention with a reservation on this provision. He recognized that the question was a matter of principle for many governments and opined that it would be most unfortunate if a number of governments were deterred from accepting the Convention simply because of this provision. He carefully emphasized that his remarks did not apply to other types of provisions.

The Convention provision regarding signature and acceptance (Article XIV) received considerable attention owing to amendments proposed by the United States which had political significance. These amendments, which were likewise carried after prolonged debate in this, the General Committee and a Plenary Session, restrict parties to the Convention to "States Members of the United Nations or of any of the Specialized Agencies or parties to the Statute of the International Court of Justice". Article XV, stipulating when the Convention entered into force for signatory nations, was retained without change. Article XVI (amendment procedure) was altered to inject the Maritime Safety Committee and the Assembly of IMCO into the procedure in a similar way as was done in the 1960 Convention on the Safety of Life at Sea. Article XVII (denunciation) was not altered, nor were Articles XIX (suspension of the Convention in wartime), XX (registration of the Convention with the United Nations) and XXI (duties of the "Bureau"). On Article XVIII (application of the Convention to dependent territories), however, there was animated discussion. This was initiated both in this and

in the General Committee by the injection by the Eastern European countries of the "colonialism issue" in the consideration of the question. However, the General Committee, after hearing a series of speeches on this essentially political question voted by large majority to retain the substance of the article as it exists in the 1954 Convention.

(d) *General Committee*

In keeping with the procedure described, the General Committee's work was largely to confirm the accomplishments of its three subsidiary committees. In most cases it readily did this and its dispositions in the more contentious questions have been noted in the preceding discussion. A small number of matters were handled without reference to a sub-committee. These were Article I (definitions) and a number of Resolutions.

Respecting Article I, after consideration of various proposals to redefine "heavy diesel oil" and "oil", the General Committee decided to retain the existing definitions. On a recommendation made by the Ships Committee it decided to add definitions for "ship", "oily mixture" and "tanker". The existing Resolution 1, concerning complete avoidance of discharge of oil was reaffirmed with the exception of the deletion of the reference to a further Conference, it being considered that the agreed revisions to Article XVI fully covered that matter.

In view of the extension of the Convention to additional classes of ships under Article II as amended, it was considered unnecessary to repeat Resolution 2 of the 1954 Conference relative to the application of the Convention principles to ships not covered by the Convention. Resolution of the 1954 Conference (regarding oil pollution control manuals) was reaffirmed with slight alterations. It was clearly the feeling of the Committee that IMCO itself should not undertake the preparation of a manual but that this should continue to be a national government responsibility. Two new Resolutions concerning the mechanics of dealing with research intergovernmentally were considered and adopted using drafts proposed jointly by the United States and the United Kingdom. A revision was agreed to for the Resolution concerning interim measures pending the coming into force of the Convention. This relates these measures to apply to newly Contracting Governments rather than to the Convention—which came into force in 1958. A new Resolution was adopted to encourage the preparation by IMCO of periodic reports, based on information provided by the Contracting parties, which would indicate the effectiveness of the Convention. A new Resolution, proposed by the United States, was adopted encouraging governments to accede to the Convention, as was a United Kingdom proposed Resolution to the effect that governments should ensure that, when diesel oil is supplied to a ship in its territories the delivery documents should state whether or not the oil is "heavy diesel oil" as defined in Article I of the Convention.

7. WORK OF THE CONFERENCE

The Conference itself approved in Plenary Session the actions of its Committees among whom the work of considering amendments to the texts of the Convention on the Prevention of the Pollution of

the Sea by Oil, 1954; its Annexes and the 1954 Conference Resolutions had been assigned. It produced the Final Act of the 1962 Conference on the Prevention of the Pollution of the Sea by Oil containing a listing of the amendments agreed upon.

8. FUTURE MEETINGS

In accordance with the amendment procedure of the 1954 Convention, the amendments agreed upon will not come into force until 12 months after they have been accepted by two-thirds of the existing Contracting Parties. In addition to this delay several years will elapse before the Convention, as amended, can be brought into full effect in respect to parties who accept it. In view of this and the need for experience under the amended Convention to test its value in controlling oil pollution of the sea, no specific decisions were made at this Conference concerning future meetings. However, in its revision of Article XVI, concerning the amendment process, the Conference arranged for the Intergovernmental Maritime Consultative Organization to provide a surveillance function over the working of the amended Convention. Accordingly, it is anticipated that IMCO will arrange for future international conferences on this subject if and when appropriate.

9. CONCLUSIONS

(a) No proposed amendment to the 1954 International Convention for the Prevention of Pollution of the Sea by Oil was adopted by the Conference which was unacceptable to the United States Delegation in keeping with its instructions. Thus the Delegation successfully:

(1) Maintained definitions of oil or pollution in terms not placing on a ship's master the burden of proving that discharges from the ship in a given instance did not pollute the sea;

(2) Obtained concurrence that oily water separators or other shipboard mechanical installations not be required until such time as the operational efficiency and economic feasibility of such devices is proven;

(3) Prevented the imposition of any commitment on the United States at the national or local level to construct, provide, or finance additional shore facilities for reception of oily residues from ships;

(4) Secured modification, to a point rendering it acceptable, of a premature proposal designed to compel ships above certain sizes to avoid discharge of oil or oily mixtures into the sea at any time;

(5) Assured the adoption of measures which might render effective contemplated research by the United States Government and American industry; and

(6) Assured that IMCO's role in the general international oil pollution control effort would be to facilitate rather than to regulate in any sense, such as through the prescription of shipboard devices.

Also the Delegation was successful in securing the adoption of amendments which strengthen the Convention in those areas indicated

by the recitation of the more important U.S. proposals enumerated at the end of Section 1 of this report.

The Delegation considers that the Conference did produce amendments which, if adopted, will strengthen the Convention with the consequential result that there will be lessened pollution of the sea by oil than otherwise. Specifically, new categories of ships, both small and large, have been added to those which must practice anti-pollution measures. The system of prohibited zones has been reaffirmed and importantly extended. The prescribed penalties and the enforcement procedure have been made more meaningful and practical from the administrative point of view. The provision concerning reception facilities has been altered so as to obviate the necessity for the United States to make a reservation to the convention and, at the same time, to make it more comprehensive. Appropriate advantage has been taken of the existence of the Inter-governmental Maritime Consultative Organization in providing that certain actions be taken through or by its organ in the interest of furthering international efforts in the prevention and control of pollution of the sea by oil. The Conference agreed on a number of important resolutions to supplement or replace those of the 1954 Conference. Important among these are those which foster pollution control research, the establishment of international performance standards for oily water separators, the provision of reception facilities and which provide an injunction to governments against taking advantage of various exemptions and exceptions to the agreed controls. Finally, the Delegation feels that it made some progress in advancing the philosophy that all vessels should be treated alike and thus that exemptions to the prohibition of pollution should be minimized. This is reflected both in the coverage of additional ships in the Convention itself and in a resolution calling upon governments to move forward with pollution control measures without waiting for the Convention requirements to be formally applicable.

(b) *Recommendations*

(1) The Delegation recommends acceptance by the United States Government, in accordance with usual procedure, of the amendments to the 1954 Convention for the Prevention of Pollution of the Sea by Oil agreed upon at the Conference.

(2) As a result of experience at this Conference, Delegation recommends that a co-ordinated research program be undertaken in order to obtain more basic information upon which to recommend sound methods for carrying out pollution prevention. This should include reconnaissance to determine the extent of the problem, oceanographic research to determine the effects of pollution, technological research to develop devices for prevention of oil pollution, and a review of relevant administrative problems.

(3) The Delegation also recommends that the United States participates in future conferences of this type on the basis of recommendations of its National Committee for the Prevention of Pollution of the Sea by Oil.

UNITED STATES COAST GUARD, MIA,
7 December 1962.

Address reply to—

COMMANDANT,
U.S. Coast Guard Headquarters,
Washington 25, D.C.

MR. EDWARD A. BOLSTER,
Director, Office of Transport and Communications,
Department of State, Washington 25, D.C.

DEAR MR. BOLSTER: Your letter of 25 May 1962 asked for the views and recommendations of the National Committee regarding ratification by the United States of the amendments to the 1954 Convention which were agreed to by the International Conference on Prevention of Pollution of the Sea by Oil, 1962.

The background of the Oil Pollution situation leading up to the 1962 Conference is admirably set forth in the opening pages of the U.S. Delegation Report of the 1962 Conference, and need not be repeated here. The same report summarizes the Delegation's views as to the accomplishments of the Conference.

Some expression as to the merits of the 1962 amendments have already been made. In his report, the Chairman of the U.S. Delegation to the Conference recommends acceptance by the United States on the basis that the amendments strengthen the 1954 Convention and will result in lessening pollution of the sea by oil. He points out further that none of the amendments are unacceptable by the standards of the established U.S. positions advanced at the Conference. The Oil Pollution Panel of the Coast Guard's Merchant Marine Council, representing the opinion of industry, states its regret that more was not done by the Conference, particularly with regard to recognizing the technical aspects and fostering research, but expresses the view that the U.S. Delegation achieved as much as possible at the Conference and recommends that the shipping industry not oppose accession by the United States to the 1962 amendments to the 1954 Convention. In addition, it is understood that similar views have been expressed by fish and wildlife groups to the effect that while they had hoped the Convention might go further than it did, they have no objection to the amendments and believe that steps should be taken to expedite acceptance by this country.

In its acceptance of the 1954 Convention, the United States stipulated an understanding and certain reservations and recommendations. As further noted, it is not anticipated that acceptance of the 1962 amendments will require further action in this regard.

The "understanding" related to our interpretation of Article XI to the effect that we did not consider it to interfere with our freedom of legislative action in our territorial waters. Inasmuch as Article XI has not been amended, no further action will be necessary.

The "reservations" were two in number. The first indicated that under Article VIII, this government would urge the establishment and maintenance of adequate disposal facilities, but would not undertake any obligation to insure them. The wording of the amended Article VIII requires the governments to " * * * take all appropriate steps to promote the provision of facilities * * * ". As this is in consonance

with our reservation, no further action is indicated. The second reservation related to Paragraph (2) of Article XVI which makes acceptance and entry into force of certain proposed amendments to the Convention automatic six months after being circulated, unless a Contracting Government makes a declaration of nonacceptance not less than two months prior to the expiration of the period. Our reservation made it clear that we did not consider ourselves bound to any amendment unless we had given notice of our acceptance. The amended Article XVI provides that before an amendment may enter into force, it must be approved by two-thirds of the Contracting Governments, after which there is a further period of twelve months during which a Government may declare that it does not accept the amendments. This is in accord with the proposal that the United States Delegation advanced at the Conference. Under this amendment it will not be necessary to make a reservation.

The "recommendations" related to giving consideration at an early date to amending the Convention in several respects. Inasmuch as this has already been accomplished by considering the matters at the 1962 Conference, no further action is necessary.

A meeting of the United States National Committee for the Prevention of Pollution of the Seas by Oil was held on 29 October 1962. After considering all aspects of the problem, including the views already noted in this letter, it was unanimously agreed that the National Committee recommend that the amendments to the 1954 International Convention for the Prevention of Pollution of the Sea by Oil as found in the Final Act adopted by the 1962 Conference be ratified by the United States as soon as practicable. The National Committee concurs with the thought expressed in the U.S. Delegation's Report in that it considers that the Conference did produce amendments which, if adopted, will strengthen the Convention with the consequential result that there will be less pollution of the sea than otherwise.

On behalf of the National Committee, I wish to thank you for the opportunity to participate in this matter and to assure you of our availability to give any further assistance we can toward promoting the prevention of pollution of the sea by oil.

Sincerely yours,

E. J. ROLAND,
Admiral, U.S. Coast Guard, Chairman, U.S. National Committee for the Prevention of Pollution of the Seas by Oil.

- (2) Convention on Fishing and Conservation of Living Resources of the High Seas (Law of the Sea Convention [No. III] formulated at the United Nations Conference). Signed at Geneva, April 29, 1958.

Not yet in force; will come into force thirty days after the deposit of ratifications or accessions by twenty-two States. Thirty-seven countries, including the United States, were signatories. The United States has deposited its ratification of this Convention. (As of October 1, 1964, there have been seventeen deposits of ratifications or acceptances.)

CONVENTION ON FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE HIGH SEAS

The States Parties to this Convention,

Considering that the development of modern techniques for the exploitation of the living resources of the sea, increasing man's ability to meet the need of the world's expanding population for food, has exposed some of these resources to the danger of being overexploited.

Considering also that the nature of the problems involved in the conservation of the living resources of the high seas is such that there is a clear necessity that they be solved, whenever possible, on the basis of international co-operation through the concerted action of all the States concerned.

Have agreed as follows:

ARTICLE 1

1. All States have the right for their nationals to engage in fishing on the high seas, subject (a) to their treaty obligations, (b) to the interests and rights of coastal States as provided for in this Convention, and (c) to the provisions contained in the following articles concerning conservation of the living resources of the high seas.

2. All States have the duty to adopt, or to co-operate with other States in adopting, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

ARTICLE 2

As employed in this Convention, the expression "conservation of the living resources of the high seas" means the aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply of food and other marine products. Conservation programmes should be formulated with a view to securing in the first place a supply of food for human consumption.

ARTICLE 3

A State whose nationals are engaged in fishing any stock or stocks of fish or other living marine resources in any area of the high seas where the nationals of other States are not thus engaged shall adopt, for its own nationals, measures in that area when necessary for the purpose of the conservation of the living resources affected.

ARTICLE 4

1. If the nationals of two or more States are engaged in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, these States shall, at the request of any

of them, enter into negotiations with a view to prescribing by agreement for their nationals the necessary measures for the conservation of the living resources affected.

2. If the States concerned do not reach agreement within twelve months, any of the parties may initiate the procedure contemplated by article 9.

ARTICLE 5

1. If, subsequent to the adoption of the measures referred to in articles 3 and 4, nationals of other States engage in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, the other States shall apply the measures, which shall not be discriminatory in form or in fact, to their own nationals not later than seven months after the date on which the measures shall have been notified to the Director-General of the Food and Agriculture Organization of the United Nations. The Director-General shall notify such measures to any State which so requests and, in any case, to any State specified by the State initiating the measure.

2. If these other States do not accept the measures so adopted and if no agreement can be reached within twelve months, any of the interested parties may initiate the procedure contemplated by article 9. Subject to paragraph 2 of article 10, the measures adopted shall remain obligatory pending the decision of the special commission.

ARTICLE 6

1. A coastal State has a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea.

2. A coastal State is entitled to take part on an equal footing in any system of research and regulation for purposes of conservation of the living resources of the high seas in that area, even though its nationals do not carry on fishing there.

3. A State whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal State shall, at the request of that coastal State, enter into negotiations with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.

4. A State whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal State shall not enforce conservation measures in that area which are opposed to those which have been adopted by the coastal State, but may enter into negotiations with the coastal State with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.

5. If the States concerned do not reach agreement with respect to conservation measures within twelve months, any of the parties may initiate the procedure contemplated by article 9.

ARTICLE 7

1. Having regard to the provisions of paragraph 1 of article 6, any coastal State may, with a view to the maintenance of the productivity of the living resources of the sea, adopt unilateral measures of conservation appropriate to any stock of fish or other marine resources in

any area of the high seas adjacent to its territorial sea, provided that negotiations to that effect with the other States concerned have not led to an agreement within six months.

2. The measures which the coastal State adopts under the previous paragraph shall be valid as to other States only if the following requirements are fulfilled:

(a) That there is a need for urgent application of conservation measures in the light of the existing knowledge of the fishery;

(b) That the measures adopted are based on appropriate scientific findings;

(c) That such measures do not discriminate in form or in fact against foreign fishermen.

3. These measures shall remain in force pending the settlement, in accordance with the relevant provisions of this Convention, of any disagreement as to their validity.

4. If the measures are not accepted by the other States concerned, any of the parties may initiate the procedure contemplated by article 9. Subject to paragraph 2 of article 10, the measures adopted shall remain obligatory pending the decision of the special commission.

5. The principles of geographical demarcation as defined in article 12 of the Convention on the Territorial Sea and the Contiguous Zone shall be adopted when coasts of different States are involved.

ARTICLE 8

1. Any State which, even if its nationals are not engaged in fishing in an area of the high seas not adjacent to its coast, has a special interest in the conservation of the living resources of the high seas in that area, may request the State or States whose nationals are engaged in fishing there to take the necessary measures of conservation under articles 3 and 4 respectively, at the same time mentioning the scientific reasons which in its opinion make such measures necessary, and indicating its special interest.

2. If no agreement is reached within twelve months, such State may initiate the procedure contemplated by article 9.

ARTICLE 9

1. Any dispute which may arise between States under articles 4, 5, 6, 7 and 8 shall, at the request of any of the parties, be submitted for settlement to a special commission of five members, unless the parties agree to seek a solution by another method of peaceful settlement, as provided for in Article 33 of the Charter of the United Nations.

2. The members of the commission, one of whom shall be designated as chairman, shall be named by agreement between the States in dispute within three months of the request for settlement in accordance with the provisions of this article. Failing agreement they shall, upon the request of any State party, be named by the Secretary-General of the United Nations, within a further three-month period, in consultation with the States in dispute and with the President of the International Court of Justice and the Director-General of the Food and Agriculture Organization of the United Nations, from amongst well-qualified persons being nationals of States not involved in the

dispute and specializing in legal, administrative or scientific questions relating to fisheries, depending upon the nature of the dispute to be settled. Any vacancy arising after the original appointment shall be filled in the same manner as provided for the initial selection.

3. Any State party to proceedings under these articles shall have the right to name one of its nationals to the special commission, with the right to participate fully in the proceedings on the same footing as a member of the commission but without the right to vote or to take part in the writing of the commission's decision.

4. The commission shall determine its own procedure, assuring each party to the proceedings a full opportunity to be heard and to present its case. It shall also determine how the costs and expenses shall be divided between the parties to the dispute, failing agreement by the parties on this matter.

5. The special commission shall render its decision within a period of five months from the time it is appointed unless it decides, in case of necessity, to extend the time limit for a period not exceeding three months.

6. The special commission shall, in reaching its decisions, adhere to these articles and to any special agreements between the disputing parties regarding settlement of the dispute.

7. Decisions of the commission shall be by majority vote.

ARTICLE 10

1. The special commission shall, in disputes arising under article 7, apply the criteria listed in paragraph 2 of that article. In disputes under articles 4, 5, 6 and 8 the commission shall apply the following criteria, according to the issues involved in the dispute:

(a) Common to the determination of disputes arising under articles 4, 5 and 6 are the requirements:

(i) That scientific findings demonstrate the necessity of conservation measures;

(ii) That the specific measures are based on scientific findings and are practicable; and

(iii) That the measures do not discriminate, in form or in fact, against fishermen of other States.

(b) Applicable to the determination of disputes arising under article 8 is the requirement that scientific findings demonstrate the necessity for conservation measures, or that the conservation programme is adequate, as the case may be.

2. The special commission may decide that pending its award the measures in dispute shall not be applied, provided that, in the case of disputes under article 7, the measures shall only be suspended when it is apparent to the commission on the basis of *prima facie* evidence that the need for the urgent application of such measures does not exist.

ARTICLE 11

The decisions of the special commission shall be binding on the States concerned and the provisions of paragraph 2 of Article 94 of the Charter of the United Nations shall be applicable to those decisions. If the decisions are accompanied by any recommendations, they shall receive the greatest possible consideration.

ARTICLE 12

1. If the factual basis of the award of the special commission is altered by substantial changes in the conditions of the stock or stocks of fish or other living marine resources or in methods of fishing, any of the States concerned may request the other States to enter into negotiations with a view to prescribing by agreement the necessary modifications in the measures of conservation.

2. If no agreement is reached within a reasonable period of time, any of the States concerned may again resort to the procedure contemplated by article 9 provided that at least two years have elapsed from the original award.

ARTICLE 13

1. The regulation of fisheries conducted by means of equipment embedded in the floor of the sea in areas of the high seas adjacent to the territorial sea of a State may be undertaken by that State where such fisheries have long been maintained and conducted by its nationals, provided that non-nationals are permitted to participate in such activities on an equal footing with nationals except in areas where such fisheries have by long usage been exclusively enjoyed by such nationals. Such regulations will not, however, affect the general status of the areas as high seas.

2. In this article, the expression "fisheries conducted by means of equipment embedded in the floor of the sea" means those fisheries using gear with supporting members embedded in the sea floor, constructed on a site and left there to operate permanently or, if removed, restored each season on the same site.

ARTICLE 14

In articles 1, 3, 4, 5, 6 and 8, the term "nationals" means fishing boats or craft of any size having the nationality of the State concerned, according to the law of that State, irrespective of the nationality of the members of their crews.

ARTICLE 15

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

ARTICLE 16

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE 17

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 15. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 18

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE 19

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 6, 7, 9, 10, 11 and 12.

2. Any Contracting State making a reservation in accordance with the preceding paragraph may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

ARTICLE 20

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

ARTICLE 21

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 15:

(a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 15, 16 and 17;

(b) Of the date on which this Convention will come into force, in accordance with article 18;

(c) Of requests for revision in accordance with article 20;

(d) Of reservations to this Convention, in accordance with article 19.

ARTICLE 22

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 15.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

- (3) Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes [arising out of an interpretation or application of any article of any Convention on the Law of the Sea of 29 April 1958]. Signed at Geneva, April 29, 1958.

This Optional Protocol is in force but not for the United States, as the United States has signed but not ratified it.

OPTIONAL PROTOCOL OF SIGNATURE CONCERNING THE COMPULSORY SETTLEMENT OF DISPUTES

The States Parties to this Protocol and to any one or more of the Conventions on the Law of the Sea adopted by the United Nations Conference on the Law of the Sea held at Geneva from 24 February to 27 April 1958,

Expressing their wish to resort, in all matters concerning them in respect of any dispute arising out of the interpretation or application of any article of any Convention on the Law of the Sea of 29 April 1958, to the compulsory jurisdiction of the International Court of Justice, unless some other form of settlement is provided in the Convention or has been agreed upon by the Parties within a reasonable period.

Have agreed as follows:

ARTICLE I

Disputes arising out of the interpretation or application of any Convention on the Law of the Sea shall lie within the compulsory jurisdiction of the International Court of Justice, and may accordingly be brought before the Court by an application made by any party to the dispute being a Party to this Protocol.

ARTICLE II

This undertaking relates to all the provisions of any Convention on the Law of the Sea except, in the Convention on Fishing and Conservation of the Living Resources of the High Seas, articles 4, 5, 6, 7 and 8, to which articles 9, 10, 11 and 12 of that Convention remain applicable.

ARTICLE III

The Parties may agree, within a period of two months after one party has notified its opinion to the other that a dispute exists, to resort not to the International Court of Justice but to an arbitral tribunal. After the expiry of the said period, either Party to this Protocol may bring the dispute before the Court by an application.

ARTICLE IV

1. Within the same period of two months, the Parties to this Protocol may agree to adopt a conciliation procedure before resorting to the International Court of Justice.

2. The conciliation commission shall make its recommendations within five months after its appointment. If its recommendations are not accepted by the parties to the dispute within two months after they have been delivered, either party may bring the dispute before the Court by an application.

ARTICLE V

This Protocol shall remain open for signature by all States who become Parties to any Convention on the Law of the Sea adopted by the United Nations Conference on the Law of the Sea and is subject to ratification, where necessary, according to the constitutional requirements of the signatory States.

ARTICLE VI

The Secretary-General of the United Nations shall inform all States who become Parties to any Convention on the Law of the Sea of signatures of this Protocol and of the deposit of instruments of ratification in accordance with article V.

ARTICLE VII

The original of this Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article V.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

DONE at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

I hereby certify that the foregoing texts are true copies of the following Conventions and Protocol adopted by the United Nations Conference on the Law of the Sea, held at the European Office of the United Nations at Geneva from 24 February to 27 April 1958, the originals of which are deposited with the Secretary-General of the United Nations:

- Convention of the Territorial Sea and the Contiguous Zone;
- Convention on the High Seas;
- Convention on Fishing and Conservation of the Living Resources of the High Seas;
- Convention on the Continental Shelf;
- Optional Protocol of Signature concerning Compulsory Settlement of Disputes.

*For the Secretary-General
The Legal Counsel*

C A STAVROPOULOS

United Nations, New York
7 November 1958

FINAL ACT OF THE UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA

1. The General Assembly of the United Nations, by resolution 1105 (XI) of 21 February 1957, decided to convene an international conference of plenipotentiaries to examine the law of the sea, taking account not only of the legal but also of the technical, biological, economic and political aspects of the problem, and to embody the results of its work in one or more international conventions or such other instruments as it might deem appropriate. The General Assembly also recommended that the conference should study the question of free access to the sea of land-locked countries, as established by international practice or treaties.

2. The United Nations Conference on the Law of the Sea met at the European Office of the United Nations at Geneva from 24 February to 27 April 1958.

3. The Governments of the following eighty-six States were represented at the Conference:

Afghanistan	Ghana
Albania	Greece
Argentina	Guatemala
Australia	Haiti
Austria	Holy See
Belgium	Honduras
Bolivia	Hungary
Brazil	Iceland
Bulgaria	India
Burma	Indonesia
Byelorussian Soviet Socialist Republic	Iran
Cambodia	Iraq
Canada	Ireland
Ceylon	Israel
Chile	Italy
China	Japan
Colombia	Jordan
Costa Rica	Republic of Korea
Cuba	Laos
Czechoslovakia	Lebanon
Denmark	Liberia
Dominican Republic	Libya
Ecuador	Luxembourg
El Salvador	Mexico
Federation of Malaya	Monaco
Finland	Morocco
France	Nepal
Federal Republic of Germany	Netherlands
	New Zealand

Nicaragua	Tunisia
Norway	Turkey
Pakistan	Ukrainian Soviet Socialist Republic
Panama	Union of South Africa
Paraguay	Union of Soviet Socialist Republics
Peru	United Arab Republic
Philippines	United Kingdom of Great Britain and Northern Ireland
Poland	United States of America
Portugal	Uruguay
Romania	Venezuela
San Marino	Republic of Viet-Nam
Saudi Arabia	Yemen
Spain	Yugoslavia
Sweden	
Switzerland	
Thailand	

4. At the invitation of the General Assembly, the following Specialized Agencies had observers at the Conference:

Food and Agriculture Organization of the United Nations;
International Civil Aviation Organization;
International Labour Organisation;
International Telecommunications Union;
United Nations Educational, Scientific and Cultural Organization;
World Health Organization;
World Meteorological Organization.

5. At the invitation of the General Assembly, the following inter-governmental organizations also had observers at the Conference:

Conseil général des pêches pour la Méditerranée;
Indo-Pacific Fisheries Council;
Inter-American Tropical Tuna Commission;
Intergovernmental Committee for European Migration;
International Council for the Exploration of the Sea;
International Institute for the Unification of Private Law;
League of Arab States;
Organization of American States;

Permanent Conference for the exploitation and Conservation of the Maritime Resources of the South Pacific.

6. The Conference elected His Royal Highness Prince Wan Waithayakon Krommun Naradhip Bongsprabandh (Thailand) as President.

7. The Conference elected as Vice-presidents Argentina, China, France, Guatemala, India, Italy, Mexico, Netherlands, Poland, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

8. The following committees were set up:

*General Committee**Chairman:* The President of the Conference*First Committee* (Territorial Sea and Contiguous Zone)*Chairman:* Mr. K. H. Bailey (Australia)*Vice-Chairman:* Mr. S. Gutiérrez Olivos (Chile)*Rapporteur:* Mr. Vladimir M. Koretsky (Ukrainian Soviet Socialist Republic)*Second Committee* (High Seas: General Régime)*Chairman:* Mr. O. C. Gundersen (Norway)*Vice-Chairman:* Mr. Edwin Glaser (Romania)*Rapporteur:* Mr. José Madeira Rodrigues (Portugal)*Third Committee* (High Seas: Fishing; the Conservation of Living Resources)*Chairman:* Mr. Carlos Sucre (Panama)*Vice-Chairman:* Mr. E. Krispis (Greece)*Rapporteur:* Mr. N. K. Pannikar (India)*Fourth Committee* (Continental Shelf)*Chairman:* Mr. A. B. Perera (Ceylon)*Vice-Chairman:* Mr. R. A. Quarshie (Ghana)*Rapporteur:* Mr. L. Diaz González (Venezuela)*Fifth Committee* (Question of Free Access to the Sea of Landlocked Countries)*Chairman:* Mr. J. Žourek (Czechoslovakia)*Vice-Chairman:* Mr. W. Guevara Arze (Bolivia)*Rapporteur:* Mr. A. H. Tabibi (Afghanistan)*Drafting Committee**Chairman:* Mr. J. A. Correa (Ecuador)*Credentials Committee**Chairman:* Mr. M. Wershof (Canada)

9. The Secretary-General of the United Nations was represented by Mr. C. A. Stavropoulos, the Legal Counsel. Mr. Yuen-li Liang, Director of the Codification Division of the Office of Legal Affairs of the United Nations, was appointed Executive Secretary.

10. The General Assembly, by its resolution convening the Conference, referred to the Conference the report of the International Law Commission covering the work of its eighth session as a basis for consideration of the various problems involved in the development and codification of the law of the sea; the General Assembly also referred to the Conference the verbatim records of the relevant

debates in the General Assembly, for consideration by the Conference in conjunction with the Commission's report.

11. The Conference also had before it the comments by Governments on the articles concerning the law of the sea prepared by the International Law Commission, the memorandum submitted by the preliminary Conference of Land-locked States held in Geneva from 10 to 14 February 1958, and preparatory documentation prepared by the Secretariat of the United Nations, by certain specialized agencies and by independent experts invited by the Secretariat to assist in the preparation of this documentation.

12. On the basis of the deliberations, as recorded in the summary records and reports of the committees and in the records of the plenary meetings, the Conference prepared and opened for signature the following *Conventions* (annexes I to IV) :

Convention on the Territorial Sea and the Contiguous Zone (adopted on 27 April 1958, on the report of the First Committee) ;

Convention on the High Seas (adopted on 27 April 1958, on the report of the Second Committee) ;

Convention on Fishing and Conservation of the Living Resources of the High Seas (adopted on 26 April 1958, on the report of the Third Committee) ;

Convention on the Continental Shelf (adopted on 26 April 1958, on the report of the Fourth Committee).

The Conference also adopted the following *Protocol* (annex V) :

Optional Protocol of Signature concerning the compulsory settlement of disputes (adopted by the Conference on 26 April 1958).

In addition, the Conference adopted the following *resolutions* (annex VI) :

Nuclear tests on the high seas (resolution adopted on 27 April 1958, on the report of the Second Committee, in connexion with article 2 of the Convention on the High Seas) ;

Pollution of the high seas by radio-active materials (resolution adopted on 27 April 1958, on the report of the Second Committee, relating to article 25 of the Convention on the High Seas) ;

International fishery conservation conventions (resolution adopted on 25 April 1958, on the report of the Third Committee) ;

Co-operation in conservation measures (resolution adopted on 25 April 1958, on the report of the Third Committee) ;

Humane killing of marine life (resolution adopted on 25 April 1958, on the report of the Third Committee) ;

Special situations relating to coastal fisheries (resolution adopted on 26 April 1958, on the report of the Third Committee) ;

Régime of historic waters (resolution adopted on 27 April 1958, on the report of the First Committee) ;

Convening of a second United Nations Conference on the Law of the Sea (resolution adopted by the Conference on 27 April 1958) ;

Tribute to the International Law Commission (resolution adopted by the Conference on 27 April 1958).

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE at Geneva this twenty-ninth day of April, one thousand nine hundred and fifty-eight, in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. The original texts shall be deposited in the archives of the United Nations Secretariat.

WAN WAITHAYAKON
President

YUEN-LI LIANG
Executive Secretary



SUPPLEMENT

[Ex. Rept. No. 5, 86th Cong., 2d sess.]

LAW OF THE SEA CONVENTIONS

WEDNESDAY, APRIL 27, 1960.—Ordered to be printed

Mr. FULBRIGHT, from the Committee on Foreign Relations,
submitted the following

REPORT

[To accompany Ex. J to N, inclusive, 86th Cong., 1st sess.]

The Committee on Foreign Relations, having had under consideration Executives J to N, inclusive, four conventions on the law of the sea, and an optional protocol concerning the settlement of disputes, reports the conventions and the protocol without objection and recommends that the Senate give its advice and consent to their ratification.

PURPOSE OF THE CONVENTIONS

The purpose of the four conventions and the optional protocol on the law of the sea is to codify existing international law and to establish additional international law in this field. The conventions are concerned with the rights and duties of states and vessels in the territorial sea, contiguous zone and on the high seas, rights and responsibilities with regard to fishing and conservation on the high seas, and the formulation of "international law" with respect to the exploitation of the natural resources of the continental shelf. Not covered in these conventions are the questions of the breadth of the territorial sea and the extent of exclusive fishing rights of coastal states.

BACKGROUND

The International Law Commission of the United Nations at its first session in 1949 decided to study the law of the high seas and the law of the territorial sea with a view to codification. This was done at subsequent sessions, draft rules were prepared, and comments of governments were considered. The Commission completed its work at its eighth session (1956) and pursuant to General Assembly Resolution 899 (IX) of December 14, 1954, the Commission grouped together in its report all the rules it had adopted concerning the high seas, the territorial sea, the continental shelf, the contiguous zone, and the conservation of the living resources of the sea.

The final report of the Commission stated that its draft rules on the law of the sea were a mixture of codification of existing international law and recommendations for the progressive development of international law and that it had been unable to separate the two. It

therefore recommended that the United Nations General Assembly call an international conference to examine the law of the sea, and to try to reach agreement on appropriate international conventions.

The General Assembly by Resolution 1105(XI) of February 21, 1957, provided terms of reference for an International Conference of Plenipotentiaries to examine the law of the sea, taking into account the legal, biological, economic, and political aspects of the problem. The General Assembly also recommended that the Conference study the question of free access to the sea of landlocked countries.

The United Nations Conference on the Law of the Sea was held at Geneva from February 24 to April 27, 1958, and resulted in the following four conventions and an optional protocol dated April 29, 1958:

1. Convention on the Territorial Sea and the Contiguous Zone;
2. Convention on the High Seas;
3. Convention on Fishing and Conservation of the Living Resources of the High Seas;
4. Convention on the Continental Shelf; and
5. Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes.

The conventions were signed on behalf of the United States of America on September 15, 1958, and have been signed by 52 states; some states not signing every convention.

While in some instances the proposed rules tend to clarify issues that have been in controversy in recent years, the greater part of the rules are declaratory of the present practice of states and may be considered accepted international law even without the conventions being ratified.

MAIN PROVISIONS

1. Convention on the Territorial Sea and the Contiguous Zone

The Convention on the Territorial Sea and the Contiguous Zone embodies those principles of international law that have specific reference to the status of these areas of the sea, their demarcation, and the rights and responsibilities of both the coastal state and the community of nations with respect to them. The first articles of the 32 contained in this convention reiterate the universally recognized principle of the sovereignty of the coastal state over its internal waters and the territorial seas, and that this right of sovereignty extends to the airspace over the territorial sea as well as to its bed and subsoil.

The convention recognizes *two* methods for determining the base line, that is, the line from which the territorial sea is measured. The first method, long recognized as the general rule, establishes as the base line the low waterline following the sinuosities of the coast. The second method, which is an exception to the general rule, allows the use of straight base lines joining appropriate points where the coastline is deeply indented or, where there is a fringe of islands along the coast in its immediate vicinity.

Where the straight base line is allowed it has the effect of bringing into the territorial sea areas of water heretofore considered high seas. Hence where the straight base line is applied, the coastal state must indicate the lines on published charts.

Article 5 of the convention preserves a right of innocent passage through waters converted from high seas or territorial sea to internal waters by application of the straight base-line system permitted by article 4. Application of the rules of the Convention on the Territorial Sea and the Contiguous Zone concerning straight base lines would not have the effect of changing the status of waters which are now internal.

The general principles relating to bays which are included in the convention provide that a bay, the coasts of which are owned by a single state and having certain geographical characteristics, is considered internal waters. The closing line of the bay must not be longer than 24 miles, and if the natural entrance of the bay is of a greater width, a straight base line of 24 miles may be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length. Fixing the allowable length of the closing line at 24 miles is a significant departure from the rule which had been recognized by many governments and which had fixed the maximum length of the closing line at 10 miles. The liberalization of this requirement will qualify many bay areas of the world for conversion to internal waters, thereby bringing under national control area heretofore classed as high seas—for example, Cape Cod Bay.

The convention defines the respective rights, duties, and responsibilities of the coastal state and foreign vessels in the territorial sea. These provisions are largely declaratory of existing international law.

Articles 14 through 17 deal with the right of innocent passage through the territorial sea. Passage is defined as "innocent" so long as it is not prejudicial to the peace, good order, or security of the coastal state. This simple, yet precise, definition of innocent passage, something which has not heretofore existed in international law, affords to maritime navigation the greatest freedom of movement consistent with the necessity of the coastal state to protect itself.

The right of passage of foreign fishing vessels is more restricted. Their passage is not considered innocent if they do not also observe the laws and regulations made by the coastal state to prevent such vessels from fishing in the territorial sea.

Article 14 contains the words "whether coastal or not" to indicate clearly that the right of innocent passage through the territorial sea applies to ships of landlocked countries as well as to ships of coastal states. This was done in compliance with a request by the United Nations General Assembly which asked the Conference on the Law of the Sea to study the question of free access to the sea of landlocked countries as established by international practice or treaties.

Article 16 provides for the temporary suspension in specified areas of the territorial sea of the right of innocent passage for security reasons. On the other hand, no such suspension in straits which are used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a state is permissible.

Article 21 provides that government ships operated for commercial purposes are subject to the same rules as other merchant ships. This provision was opposed by the Soviet Union and other state-trading countries which desired immunity for such vessels.

Article 24, which provides that in a zone of the high seas contiguous to its territorial sea—limited to 12 miles from the base line of the territorial sea—the coastal state may prevent infringement of its customs, fiscal, immigration, or sanitary regulations and punish infringement of such regulations. Although it has become fairly common practice for the coastal state to exercise a special jurisdiction in a limited area of the high seas contiguous to the territorial sea, particularly in customs matters, no definite rule had been agreed upon. Article 24 confirms the practice followed by the United States of exercising customs jurisdiction over a zone outside of its territorial sea.

This convention does not fix the breadth of the territorial sea. This subject and the closely related one of the extent to which the coastal state should have exclusive fishing rights in the sea off its coast were hotly debated without any conclusion being reached. A U.S. proposal for a 6-mile territorial sea plus exclusive fishing rights for the coastal state in a contiguous 6-mile zone (subject to fishing rights of other states established through fishing over a 5-year period) received 45 votes in favor and 33 against, but failed to get the two-thirds required for adoption.

When the U.S. compromise failed, the chairman of the American delegation to the Conference, Arthur H. Dean, stated:

Our offer to agree on a 6-mile breadth of the territorial sea, provided agreement could be reached on such a breadth under certain conditions, was simply an offer and nothing more. Its nonacceptance leaves the preexisting situation intact.

We have made it clear from the beginning that in our view the 3-mile rule is and will continue to be established international law, to which we adhere. It is the only breadth of the territorial sea on which there has ever been anything like common agreement. Unilateral acts of states claiming greater territorial seas are not only not sanctioned by any principle of international law, but are indeed in conflict with the universally accepted principle of freedom of the seas.

He noted further that—

We have made it clear that in our view there is no obligation on the part of the states adhering to the 3-mile rule to recognize claims on the part of other states to a greater breadth of the territorial sea. On that we stand.

The General Assembly of the United Nations has convened a second International Conference for the further consideration of the questions of the breadth of the territorial sea and fishing rights in coastal waters. It opened at Geneva on March 17, 1960.

2. *Convention on the High Seas*

The convention defines the term "high seas" as comprising all parts of the sea except the territorial seas and internal waters. Freedom of the high seas is confirmed as the basic principle of the law of the sea. Enjoyed by the world community since the 17th century, not a dissenting vote was cast against this principle at Geneva. Freedom of the seas includes for both coastal and the noncoastal states: freedom of navigation, freedom of fishing, freedom to lay submarine cables and pipelines, and freedom to fly over the high seas.

A proposal was made during the Conference to insert provisions banning nuclear testing on the high seas and military exercises near foreign coasts or on international sea routes. The Conference defeated the proposal, but a resolution was passed referring the matter of nuclear testing to the General Assembly of the United Nations for appropriate action.

"GENUINE LINK"

Articles 4 and 5 provide that every state, coastal or landlocked, has the right to sail ships under its flag on the high seas and fix the conditions under which it will grant nationality to ships and the right to fly its flag.

Article 5, section 1, reads as follows:

Each State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship; in particular, the State must effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.

The International Law Commission did not decide upon a definition of the term "genuine link." This article as originally drafted by the Commission would have authorized other states to determine whether there was a "genuine link" between a ship and the flag state for purposes of recognition of the nationality of the ship.

It was felt by some states attending the Conference on the Law of the Sea that the term "genuine link" could, depending upon how it were defined, limit the discretion of a state to decide which ships it would permit to fly its flag. Some states, which felt their flag vessels were at a competitive disadvantage with vessels sailing under the flags of other states, such as Panama and Liberia, were anxious to adopt a definition which states like Panama and Liberia could not meet.

By a vote of 30 states, including the United States, against, 15 states for, and 17 states abstaining, the provision was eliminated which would have enabled states other than the flag state to withhold recognition of the national character of a ship if they considered that there was no "genuine link" between the state and the ship.

Thus, under the Convention on the High Seas, it is for each state to determine how it shall exercise jurisdiction and control in administrative, technical and social matters over ships flying its flag. The "genuine link" requirement need not have any effect upon the practice of registering American built or owned vessels in such countries as Panama or Liberia. The existence of a "genuine link" between the state and the ship is not a condition of recognition of the nationality of a ship; that is, no state can claim the right to determine unilaterally that no genuine link exists between a ship and the flag state. Nevertheless, there is a possibility that a state, with respect to a particular ship, may assert before an agreed tribunal, such as the International Court of Justice, that no genuine link exists. In such event, it would be for the Court to decide whether or not a "genuine link" existed.

IMMUNITY OF STATE-OWNED VESSELS

Article 8 of the convention defines "warships" and states that they have complete immunity on the high seas. Another article states that state ships used only on government noncommercial service shall have the same immunity as warships. The Soviet bloc sought unsuccessfully to assimilate all government ships, whether commercial or non-commercial, to warships.

Article 11 has the effect of reversing the decision of the Permanent Court of International Justice in the *Lotus* case because it provides that only the flag state, or the state of which the accused is a national, may exercise penal jurisdiction with respect to incidents of navigation on the high seas. This article also provides that only the issuing state may withdraw licenses and certificates of competence and that only the authorities of the flag state may order the detention of a ship.

Regarding pollution of the high seas, the convention treats separately the discharge of oil, the dumping of atomic waste, and pollution of the high seas or airspace above resulting from any "activities with radioactive materials or other harmful objects." In regard to oil pollution, article 24 of the convention provides that—

Every state shall draw up regulations to prevent pollution of the seas ***.

At present the U.S. Government does not have any statutes or regulations pertaining to the matter of oil pollution beyond the territorial sea by vessels. The shipping industry has followed a voluntary program aimed at preventing pollution of the sea by oil. On February 15, 1960, however, the International Convention for Prevention of Pollution of the Sea by Oil was sent to the Senate. Upon adherence to this convention, there would be regulations on this subject which U.S. flag vessels would be obligated to observe.

Regulations aimed at minimizing the possibility of pollution from exploitation of the oil resources of the continental shelf have been issued pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331) and are incorporated in the Department of Interior regulations regarding submerged lands.

As to the dumping of atomic waste, the convention provides that each state shall take measures to prevent pollution of the seas, taking into account standards and regulations which may be formulated by competent international organizations in taking measures to prevent pollution of the seas from this source. The Atomic Energy Commission exercises, under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), control over dumping of radioactive waste at sea on a case-by-case basis through its licensing procedures.

3. Convention on Fishing and Conservation of the Living Resources of the High Seas

This convention, which contains 22 articles, establishes a new legal system for the conservation of the marine resources of the high seas. Its aim is to obtain through international cooperation the "optimum sustainable yield" from the living resources of the high seas in order to secure a "maximum supply of food" to meet the needs of the world's expanding population.

The convention contains orderly procedures for resolving disputes among nations over fishing rights and interests on the high seas.

The convention imposes on all states the duty to adopt conservation measures to conserve high seas fisheries, and recognizes in the coastal state a special right to participate in the establishment of the conservation measures applicable to stocks of fish in areas of the high seas adjacent to its territorial sea. The framework for a new system of international cooperation for fishery purposes is provided for by Articles 3 to 8, which spell out new rights and duties for both the fishing and coastal states which become parties to the convention.

Article 9 requires compulsory arbitration of any dispute relating to the negotiation and operation of conservation agreements if requested by any of the parties to a dispute and provided settlement by other peaceful means is not agreed upon. The arbitral body shall be a five-man Commission to be named by agreement between the parties to the dispute. Failing such agreements, the Commission shall be named by the Secretary General of the United Nations from among well-qualified persons, not nationals of the states involved in the dispute, and "specializing in legal, administrative, or scientific questions relating to fisheries."

THE PRINCIPLE OF ABSTENTION

The United States would have preferred that the convention include a provision on abstention. A resolution proposed on the subject failed by a narrow margin to secure the necessary two-thirds vote. At the conclusion of the Conference consultations were held with representatives of the fishing industry in the United States, resulting in approval by the industry of an understanding regarding abstention to be recommended to the Senate. The President's message to the Senate contained the text of the understanding as follows:

In the event that the Senate advises and consents to ratification of the Convention on Fishing and Conservation of the Living Resources of the High Seas, it is requested that it enter an understanding in its resolution of advice and consent as follows:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive —, Eighty-Sixth Congress, first session, an agreement entitled 'Convention on Fishing and Conservation of the Living Resources of the High Seas,' adopted by the United Nations Conference on the Law of the Sea at Geneva on April 29, 1958.

"It is the understanding of the Senate, which understanding inheres in its advice and consent to the ratification of this agreement, that such ratification shall not be construed to impair the applicability of the principle of 'abstention,' as defined in paragraph A.1 of the documents of record in the proceedings of the Conference above referred to, identified on A/CONF.13/C.3/L.69, 8 April 1958."

A/CONF.13/C.3/L.69, April 8, 1958, reads as follows:

"1. Where the nationals of a coastal state, alone or with the nationals of one or more other states, are (a) fishing a stock of fish in an area of the high seas adjacent to the territorial sea of

the coastal state with such intensity that an increase in fishing effort will not result in a substantial increase in the yield which can be maintained year after year, and (b) where the maintenance of the current yield, or when possible, the further development of it is dependent upon a conservation programme carried out by those states, involving research and limitations upon the size or quantity of the fish which may be caught, then (c) states whose nationals are not fishing the stock regularly or which have not theretofore done so within a reasonable period of time, shall abstain from fishing such stock, provided however that this shall not apply to any coastal state with respect to fishing any stock in waters adjacent to its territorial sea."

The principle of abstention is a procedure for dealing with special fishery conservation problems. It is incorporated in the North Pacific Fisheries Convention between the United States, Canada, and Japan. The object of the procedure is to encourage conservation in situations where, but for some protection against fishing by third parties, incentive for conservation measures would be lacking.

It is necessary to have an "understanding" about the lack of the principle in the convention because article 1 of the convention states:

All states have the right for their nationals to engage in fishing on the high seas * * *

It might therefore be thought that application of the abstention principle is not entirely compatible with freedom of fishing. The executive branch intends to continue to pursue the general acceptance of "abstention" as a forward step toward the achievement of the objective of conservation of marine resources and the maximum utilization of such resources in behalf of the general interest.

4. *Convention on the Continental Shelf*

The continental shelf as a legal concept gained impetus with the Truman proclamation of September 1945, which announced that the United States regards the natural resources of the subsoil and the sea bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States as subject to its jurisdiction and control. By 1956 some 20 states had made claims with respect to the shelf. The Convention on the Continental Shelf converts this state practice into codified international law.

Article 1 defines the term "continental shelf" as meaning the sea bed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas. It also includes the sea bed and subsoil of similar areas adjacent to the coasts of islands.

Article 2 provides that the coastal state exercises over the continental shelf "sovereign rights" for the purpose of exploring and exploiting its natural resources. These rights are exclusive. The term "sovereign rights" was contained in the International Law Commission draft and was a compromise between the views of those states which desired to use the term "sovereignty" and those which preferred "jurisdiction and control." Article 3 of the convention provides that the rights of the coastal state over the continental

shelf do not affect the legal status of the superjacent waters as high seas or that of the airspace above those waters.

The only controversy at the Conference on the Law of the Sea on this convention concerned the definition of "natural resources" of the shelf. The Conference adopted a joint proposal of Australia, Ceylon, Malaya, India, Norway, and the United Kingdom defining natural resources as the mineral and other nonliving resources of the sea bed and subsoil, together with living organisms which at the harvestable stage either are immobile on or under the sea bed or are unable to move except in constant physical contact with the sea bed or subsoil.

Under this definition, for example, clams, oysters, and abalone are included as "natural resources" whereas shrimp, lobsters, and finny fish are not.

5. Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes

Article I provides that disputes arising out of the interpretation or application of any convention on the law of the sea shall lie within the compulsory jurisdiction of the International Court of Justice, and may accordingly be brought before the Court by an application made by any party to the dispute which is also a party to the protocol. This means that with respect to the subjects covered by these conventions the United States would not attempt to reserve to itself the right to determine whether or not a matter lay within the domestic jurisdiction of the United States. Such an undertaking has become common in recent years in treaties to which the United States is a party.

Article II provides that this procedure covers all the conventions on the law of the sea except, in the Convention on Fishing and Conservation of the Living Resources of the High Seas, articles 4, 5, 6, 7, and 8, to which articles 9, 10, 11, and 12 of that convention (calling for special arbitration commissions of experts) remain applicable.

The parties may agree to resort to an arbitral tribunal, pursuant to article III, or may agree to adopt a conciliation procedure, pursuant to article IV, before resorting to the International Court of Justice.

COMMITTEE ACTION

The four conventions and the optional protocol were transmitted to the Senate on September 9, 1959. The Committee on Foreign Relations held a public hearing on January 20, 1960, and the record was held open for 30 days thereafter. The principal executive branch witness was Mr. Arthur H. Dean, special consultant to the Department of State, who was chief of the U.S. delegation at the negotiations in Geneva which resulted in these conventions.

During the questioning of Mr. Dean, Senator Mansfield raised the question of the use of the high seas for the testing of nuclear or other dangerous weapons. Mr. Dean testified that when this general problem was raised during the Geneva Conference it was the consensus of the conference that the matter should be referred to the General Assembly of the United Nations to be taken up at the Conference on Disarmament in Geneva.

During questioning by Senator Long, Mr. Dean made clear that the conventions do not affect the relative rights as between the several

States of the United States and the Federal Government. The conventions only affect the rights of the United States as a sovereign state with respect to the rights of other sovereign states.

Mr. W. M. Chapman, representing the American Tunaboat Association, the California Fish Cannery Association, and the Westgate California Corp. of San Diego, supported the ratification of these conventions. Mr. William R. Neblett, executive director of the National Shrimp Congress, Inc., testified that the groups he represented supported the conventions. Mr. Fred Myers, executive director of the Humane Society of the United States, gave the support of his organization for ratification of the conventions and urged the employment of humane methods of killing animals of the sea, especially whales, seals, and polar bears. Letters and telegrams received from numerous organizations representing the U.S. fishing industry were unanimous in urging approval of the conventions. No opposition was registered. On April 5, 1960, the committee voted without objection to report the conventions favorably to the Senate.

CONCLUSION

The Committee on Foreign Relations was impressed with the following list of benefits accruing to the United States pursuant to the law of the sea conventions, which was furnished by the Department of State:

"As a country which believes in the rule of law, any agreement on the rules of international law to which the United States can subscribe is of benefit to it. It is also of benefit to the United States as a principal maritime and naval power to have international agreement on the law of the sea. Aside from these benefits of a general nature, the following are some of the more specific benefits to the United States.

"In the Convention on the Territorial Sea and the Contiguous Zone, the articles on straight baselines, innocent passage and the contiguous zone are a marked advance in the content and formulation of international law. By restricting the use of the straight baseline method to certain exceptional geographic situations, its indiscriminate use to reduce to internal waters large areas heretofore regarded as high seas or territorial sea is prevented. This is in the interest of the United States which believes in the greatest possible freedom of the seas. The article defining passage as innocent so long as it is not prejudicial to the peace, good order, or security of the coastal state furnishes a clear, simple and precise definition of innocent passage, something which has not heretofore existed in international law. It thus affords to maritime navigation the greatest freedom of movement consistent with the necessity of the coastal state to protect itself. Article 24 on the contiguous zone is of benefit to the United States since it confirms the practice followed by the United States of exercising customs jurisdiction over a zone outside of its territorial sea and also sanctions the exercise of similar jurisdiction for fiscal, immigration and sanitary purposes in a contiguous zone, the outer limit of which is twelve miles from the coast.

"While the Convention on the High Seas is generally declaratory of existing principles of international law, by codifying these principles in agreed terms, the convention should help to provide stability and avoid disputes in this field of international law.

"The Convention on Fishing and Conservation of the Living Resources of the High Seas could prove to be particularly beneficial to the United States which is one of the great fishing nations of the world. As such, it has farflung and highly diversified high seas fisheries interests. Since the resources of the sea are not inexhaustible, with the advent of modern-day fishing vessels, equipment and techniques, stocks of fish are more than ever vulnerable to overexploitation by the fishermen of many states. If this is to be avoided, it behooves the nations in concern to agree upon appropriate conservation regimes along rational lines.

"The Convention on Fishing and Conservation of the Living Resources of the High Seas is the first international legislation dealing comprehensively with conservation problems. As a code regulating the conservation of maritime resources, it provides a sound basis for international cooperation in determining the need for and in the adoption of such conservation measures as are necessary to maximize the productivity of high seas fishery resources. At the same time, the convention represents a long step toward the development of orderly procedures for resolving problems that provide the basis for disputes among nations over fishing rights and interests on the high seas. The United States has had its share of these.

"The Convention on the Continental Shelf is particularly significant and beneficial to the United States which is one of the principal countries making use of the natural resources of the shelf because the convention reflects for the first time international agreement on the rules governing the exploration and exploitation of this vast submarine area of the world. The convention should prove specially beneficial to the United States since it endorses numerous principles which the United States has been following since they were enunciated in the 1945 proclamation of President Truman concerning the Continental Shelf.

"Finally, the optional protocol would be beneficial in that it is in accordance with the U.S. policy of striving for solution of international disputes by peaceful means."

The committee believes that adherence to the principles set forth in the law of the sea conventions will reduce disputes and friction among nations and thereby serve the cause of peaceful and friendly relations among the nations of the world. The committee, therefore, recommends that the Senate give its advice and consent to the ratification of the pending conventions and the optional protocol on the law of the sea and include in its resolution of ratification an understanding on the principle of abstention.



INDEX

	Page
Afghanistan.....	110, 389
Albania.....	389
Algeria.....	94
Alaska Purchase.....	306
Antarctica.....	1, 10, 18, 311, 312
Antarctica:	
1959.....	1
1961.....	10
1962.....	18
Argentina.....	1, 23, 389
Atlantic. (See North Atlantic; Northwest Atlantic.)	
Australia.....	1, 32, 94, 110, 120, 127, 389
Austria.....	166, 389
Belgium.....	1, 94, 389
Bering Sea, 1953.....	243, 249
Bolivia.....	389
Brazil.....	166, 389
Bulgaria.....	110, 120, 127, 389
Burma.....	32, 389
Byelorussian Soviet Socialist Republic.....	110, 120, 127, 389
Cambodia.....	32, 110, 120, 127, 389
Canada and United States.....	201, 203, 207, 214, 222, 233, 239, 243, 250, 258, 263
Multilateral.....	42, 53, 57, 75, 94, 149, 159, 166, 389
Ceylon.....	32, 166, 389
Central African Republic.....	110
Chile.....	1, 389
China.....	389
Colombia.....	120, 389
Compulsory settlement of disputes, optional protocol.....	387
Conservation (see also Antarctic; Fisheries; Great Lakes fisheries; Halibut; Salmon; Seals; Whaling).....	23, 149, 150, 159, 312, 380, 392, 395
Conservation of North Pacific fur seals.....	149, 150, 159
Contiguous Zone, Convention on the Territorial Sea and. (See Convention on the Territorial Sea.)	
Continental Shelf, Convention on the. (See Convention on the Continental Shelf.)	
Convention on Fishing and Conservation of the Living Resources of the High Seas.....	380, 392, 395, 400
Convention on the Continental Shelf.....	120, 392, 395, 402
Convention on the High Seas.....	110, 392, 395, 398
Convention on the Territorial Sea and Contiguous Zone.....	127, 392, 395, 396
Costa Rica.....	64, 389
Crab.....	280
Cuba.....	269, 270, 389
Curaçao.....	166
Cyprus.....	166
Czechoslovakia.....	1, 110, 120, 127, 166, 389
Denmark.....	42, 53, 57, 94, 120, 166, 389
Dominican Republic.....	23, 94, 110, 120, 127, 389
Ecuador.....	23, 64, 166, 389
El Salvador.....	23, 389
Federation of Malaya (see also Malaysia).....	389

	Page
Finland.....	94, 166, 389
Fisheries.....	23-86, 201-263, 286, 321, 380, 392, 395
Fishing and Conservation of the Living Resources of the High Seas, Convention on. (See Convention on Fishing and Conservation.)	
France.....	1, 32, 42, 53, 57, 94, 166, 389
Fraser River. (See Salmon.)	
Game mammals.....	293
Geneva Conventions on the Law of the Sea. (See Law of the sea.)	
Germany, Federal Republic of.....	42, 53, 57, 94, 389
Ghana.....	94, 166, 389
Great Lakes Fisheries, 1955.....	250
Greece.....	389
Greenland.....	166
Guatemala.....	23, 110, 120, 389
Haiti.....	23, 110, 120, 127, 389
Halibut.....	88, 239, 243
High Seas, Convention on the. (See Convention on the High Seas.)	
High seas fisheries of the North Pacific Ocean:	
1952.....	75
1962.....	87
Holy See.....	389
Honduras.....	389
Hungary.....	110, 127, 389
Iceland.....	42, 53, 57, 94, 389
India.....	32, 389
Indo-Pacific Fisheries Council.....	32
Indonesia.....	32, 110, 166, 389
Inter-American Tropical Tuna Commission.....	64
International Convention for the Prevention of Pollution of the Sea by Oil, 1954.....	94, 327
Amendments.....	327
International Whaling Convention.....	165, 166, 175, 187, 195
Iran.....	389
Iraq.....	389
Ireland.....	94, 166, 389
Israel.....	110, 120, 127, 389
Italy.....	42, 53, 57, 94, 166, 389
Jamaica.....	166
Japan and United States.....	275, 280
Multilateral.....	1, 32, 75, 149, 159, 249, 389
Jordan.....	94, 389
King crab.....	280
Korea, Republic of.....	32, 389
Kuwait.....	94
Latvia.....	166
Law of the sea conventions.....	110, 120, 127, 380, 387, 395
Laos.....	389
Lebanon.....	389
Liberia.....	94, 389
Libya.....	389
Luxembourg.....	389
Madagascar.....	110, 120, 127
Malaysia (see also Federation of Malaya).....	32, 110, 120, 127, 166
Mexico and United States.....	285, 286, 293
Multilateral.....	23, 64, 94, 166, 389
Migratory birds.....	258, 293
Monaco.....	166, 389
Morocco.....	389
Nepal.....	110, 389
Netherlands.....	32, 94, 166, 389
Netherlands Antilles.....	94

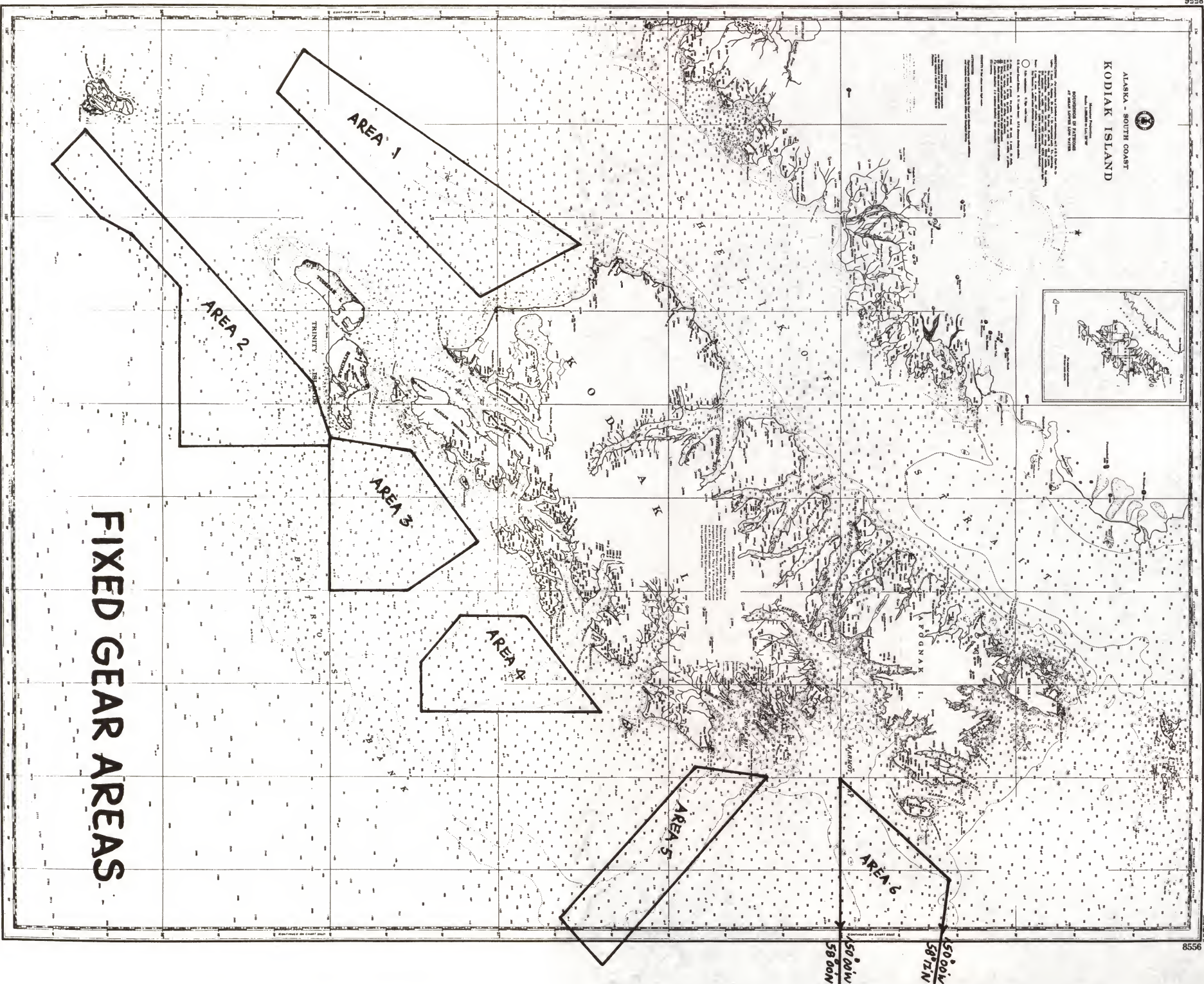
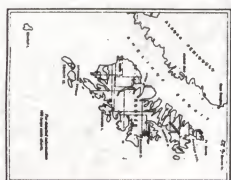
	Page
New Zealand.....	1, 166, 389
Nicaragua.....	23, 166, 390
Nigeria.....	110, 127, 166
North Atlantic coast fisheries arbitration, 1912.....	207
North Bering Sea.....	243, 249
North Pacific Ocean, Convention:	
1952.....	75
1962.....	87
Northern Pacific Ocean, 1953.....	243
Northwest Atlantic fisheries:	
1949.....	42
1956.....	53
1961.....	57
Northwestern Pacific Ocean.....	302
Norway.....	1, 42, 53, 57, 94, 166, 390
Oil pollution.....	94, 327
Optional protocol of signature concerning the compulsory settlement of disputes.....	387, 403
Pacific Ocean. (See North Pacific; Northern Pacific; Northwestern Pacific.)	
Pakistan.....	32, 390
Panama.....	64, 94, 390
Paraguay.....	390
Peru.....	23, 390
Philippines.....	32, 94, 390
Poland.....	1, 42, 53, 57, 110, 120, 127, 166, 390
Pollution of the sea by oil.....	94, 327
Portugal.....	42, 53, 57, 110, 120, 127, 390
Preservation of halibut fishery of the northern Pacific Ocean and Bering Sea, 1953.....	243
Prevention of pollution of the sea by oil.....	94, 327
Protection of migratory birds.....	258, 293
Romania. (See Rumania.)	
Rumania.....	110, 120, 127, 390
Russia. (See Union of Soviet Socialist Republics.)	
Salmon.....	214, 222, 233
San Marino.....	390
Sanitary control of shellfish industry.....	263, 276
Saudi Arabia.....	147
Sea, Law of the, Conventions. (See Law of the sea.)	
Seals.....	149, 150, 159
Senegal.....	110, 120, 127
Shellfish.....	263, 276, 280
Shrimp.....	270
Sierra Leone.....	110, 166
Sockeye Salmon. (See Salmon.)	
South Africa.....	1, 110, 120, 127, 390
Soviet Union. (See Union of Soviet Socialist Republics.)	
Spain.....	42, 53, 57, 94, 166, 390
Sudan.....	166
Surinam.....	166
Sweden.....	94, 390
Switzerland.....	166, 390
Territorial Sea, Convention on the. (See Convention on the Territorial Sea and Contiguous Zone.)	
Thailand.....	32, 390
Third Antarctic Treaty consultative meeting, 1964.....	311
Trinidad and Tobago.....	166
Tropical Tuna Commission, Inter-American.....	64
Tuna.....	64, 286
Tunisia.....	390
Turkey.....	166, 390

	Page
Uganda.....	110, 120, 127
Ukrainian Soviet Socialist Republic.....	110, 120, 127, 390
Union of South Africa. (See South Africa).	
Union of Soviet Socialist Republics and United States.....	297, 298, 302, 306
Multilateral.....	1, 42, 53, 57, 110, 120, 127, 149, 159, 390
United Arab Republic.....	94, 166, 390
United Kingdom:	
Bilateral (for Canada) with the United States.....	203, 207, 258
Multilateral.....	1, 23, 53, 57, 94, 110, 120, 127, 166, 390
Venezuela.....	23, 94, 110, 120, 127, 390
Vietnam, Republic of.....	32, 390
Whales.....	165, 166, 175, 187, 195
Wildlife.....	23
Yemen.....	390
Yugoslavia.....	166, 390





ALASKA - SOUTH COAST
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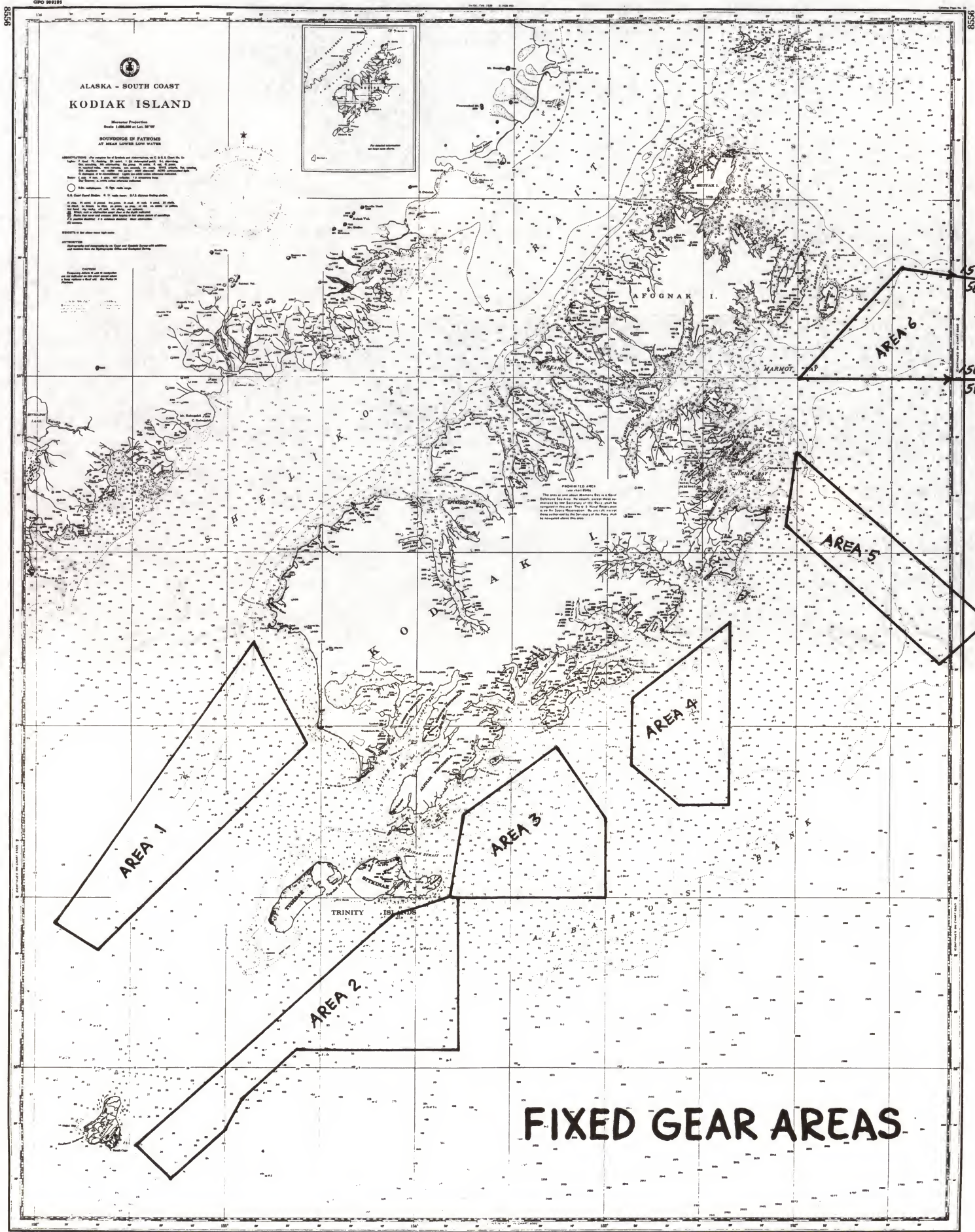
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